For Official Use Only

STANDARD TORT CLAIM FORM

PLEASE TYPE OR PRINT CLEARLY IN INK

Mail or deliver • original claim to

Christine Moloney
13413 NE LeRoy Haagen Memorial Drive
Vancouver, Washington 98684

1. Claimant's name: Thiemann, Kendall H
   Last name First Middle Date of birth (mm/dd/yyyy)
2. Inmate DOC number (if applicable): N/a
3. Current residential address: [redacted]
4. Mailing address (if different): same
5. Residential address at the time of the incident: n/a
   (if different from current address)
6. Claimant's daytime telephone number: [redacted] Home [redacted] Business or Cell
7. Claimant's e-mail address: [redacted]
8. Date of the incident: _____ (mm/dd/yyyy) Time: _____ ☐ a.m. ☐ p.m. (check one)
9. If the incident occurred over a period of time, date of first and last occurrences:
   from 09/16/2023 (mm/dd/yyyy) Time: _____ (mm/dd/yyyy) ☐ a.m. ☐ p.m.
   to 06/12/2025 (mm/dd/yyyy) Time: _____ (mm/dd/yyyy) ☐ a.m. ☐ p.m.
10. Location of incident: State of Washington, Clark County, City of Vancouver
    State and county City, if applicable Place where occurred

11. If the incident occurred on a street or highway:

n/a

Name of street or highway	Milepost number	At the intersection with or nearest intersecting street

12. State agency or department alleged responsible for damage/injury:

Evergreen Public Schools #114 and/or Evergreen School District

13. Names, addresses and telephone numbers of all persons involved in or witness to this incident:

All the individuals involved are employees of the Evergreen Public Schools #114 and/or Evergreen School District and the names are set out with the Notice Tort Claim Addendum. The work address is as follows 13413 NE LeRoy Haagen Memorial Drive Vancouver, Washington 98684

14. Names, addresses and telephone numbers of all state employees having knowledge about this incident:

N/a

15. Names, addresses and telephone numbers of all individuals not already identified in #13 and #14 above that have knowledge regarding the liability issues involved in this incident, or knowledge of the Claimant's resulting damages. Please include a brief description as to the nature and extent of each person's knowledge. Attach additional sheets if necessary.

See the attached document

16. Describe the cause of the injury or damages. Explain the extent of property loss or medical, physical or mental injuries. Attach additional sheets if necessary.

Set the attached document regarding this section entitled Notice of Tort Claim

17. Has this incident been reported to law enforcement, safety or security personnel? If so, when and to whom? Please attach a copy of the report or contact information.

There is a police report attached.

18. Names, addresses and telephone numbers of treating medical providers. Attach copies of all medical reports and billings.

N/a

19. Please attach documents which support the allegations of the claim.

20. I claim damages from the Evegreen School District #114 or Evergreen Public Schools #114 in the sum of $__4.5 million dollars/ $4,500,000.00.

This Claim form must be signed by the Claimant, a person holding a written power of attorney from the Claimant, by the attorney in fact for the Claimant, by an attorney admitted to practice in Washington State on the Claimant's behalf, or by a court-approved guardian or guardian ad litem on behalf of the Claimant.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signature of Claimant	***Date and place (residential address, city and county)***
Or	
	June 12, 2025, 1104 Main street #114
Signature of Representative	***Date and place (residential address, city and county)***
Alan E. Harvey	25785 Alan.Harveyloff@gmail.com
Print Name of Representative	***Bar Number (if applicable)***

Notice of Tort Claim:
Kendall Thiemann June 12, 2025

1.1 **Introduction**: (page 1-3 is an overall outline of facts and claims)

March 17, 2025:

Attack on Kendall Thiemann by Evergreen Superintendent Christine Moloney

On March 17, 2025, an email was sent out from Evergreen School District (ESD) Superintendent Christina Moloney's email (at the time interim Superintendent Moloney) that was a response to an anonymous individual where Interim Superintendent Moloney inserted Kendall Thiemann's name into the discussion and then defamed Kendall Thiemann in an irresponsible and unnecessary attack on his character and reputation. The response was sent to the entire Evergreen School Board, many members of the press, and other private individuals.

The attack by ESD Superintendent Moloney was related to Kendall Thiemann having had engaged in legitimate union activity, which was not public, and the attack related to the content of grievances and union related inquiries or communications he had filed. As part of an ongoing safety concern since the October 19, 2023, shooting incident at Evergreen High School, Kendall Thiemann had raised, through the union grievance process, to ESD administrators concerns about Evergreen High School Principal Danny Orrantia.

In the fall of 2023 Mr. Thiemann became aware that prior to being employed by the Evergreen School District, Danny Orrantia had been employed at Higley High School in the State of Arizona and had been involved in an incident that also raised red flags as to safety and integrity. The specific facts related to Danny Orrantia's lasts school year at Higley High School which was the 2006-2007 school year. Mr. Orrantia was the band director that year and supervised Jeremy Calvert, a contract employee. Jeremy Calvert was convicted in 2008, after an arrest for raping, sodomizing, and/or sexually assaulting one of Danny Orrantia's students in the fall of 2006.

On March 17, 2025, Superintendent Christina Moloney engaged in the attack on Kendall Thiemann without possession, knowledge, or apparently having access to the Gilbert Police Department's police reports which chronicled the criminal investigation of Jeremy Calvert.

These police reports verify and document the following information. In the fall of 2006, late October into early November of 2006, at least one minor female student reported to Danny Orrantia that Jeremy Calvert was sending her inappropriate texts and specifically made Danny Orrantia aware of the content of them, as to Jeremy

Calvert asking the minor student out (on a date) and commenting to her that she looked good.

In late October 2006 until early November of 2006, Jeremy Calvert sent the minor female student a high volume of texts. According to Jeremy Calvert, Danny Orrantia was made aware of the texts at this time in the fall of 2006. According to the minor student Danny Orrantia took no action as against Jeremy Calvert when Danny Orrantia became aware of the texts. In summary, Jeremy Calvert was allowed to remain around the minor student and other minor students in general.

It is understood that a few weeks later in late November of 2006, Jeremy Calvert engages in acts in a Higley School District and room which resulted in his arrest for rape, sodomy and/or sexual assault of the minor female student who had earlier reported the texting activity to Danny Orrantia.

The minor female student reported the crime to the Gilbert Police Department on January 3, 2007, and the criminal investigation was opened. Gilbert Police Detective Veronica Butler was assigned to investigate the criminal allegations. On January 7, 2007, Detective Butler attempted to contact Danny Orrantia directly by phone and was able to leave a message for him.

On January 8, 2007, Detective Butler went to Higley High School and contacted Higley High School Principal Mileham. Detective Butler informed Principal Mileham about Danny Orrantia, knowing about the texts and the fact that Det. Butler was looking for Jeremy Calvert. Principal Mileham in an effort to locate Jeremy Calvert on the grounds of Higley High School contacted Danny Orrantia while Det. Butler was still at Higley High School. On January 8, 2007, Danny Orrantia denied any knowledge of the texts.

On January 9, 2007, during a video/audio taped interview, Jeremy Calvert confessed to the sexual acts that had already been described by the minor victim in an interview. Jeremy Calvert also indicated during his confession that Danny Orrantia knew about the texts in the fall of 2006. On February 14, 2007, the East Valley Tribune ran an article which was sourced directly from the Gilbert Police Department Reports and the article in summary referenced the facts set out above.

In the spring of 2007 Danny Orrantia secured employment in the Evergreen School District (ESD) in Vancouver, Washington. It is understood that none of the information above was provided by Danny Orrantia prior to him being offered employment by the ESD in the spring of 2007.

October of 2023 to Present:

After a shooting incident at Evergreen High School on October 19, 2023, Kendall Thiemann, who already was already engaged in legitimate union activity in a grievance process became aware of the 2006-2007 incidents at Higley High School relating to Danny Orrantia. From October of 2023 until the present Kendall Thiemann has been retaliated against for raising concerns about safety based upon the above facts.

On March 17, 2025, the attacks came to a new height when interim Superintendent Christina Moloney, unencumbered by the possession of the Gilbert Police Reports, attacked Kendall Thiemann and his factual assertions and made or put out as true, facts that don' t appear to have any reliable source. Interim Superintendent Moloney's actions were in context a vicious attack against a teacher who had only engaged in legitimate union activity for the overall safety of the students and staff at Evergreen High School.

In his efforts to have his superiors consider the truth about what occurred in 2006 and 2007, Kendall Thiemann has been ignored, attacked, placed on administrative leave, searched, disciplined, and retaliated against for the last 20 months. Attached to this notice of tort claim are the relevant Gilbert Police Department reports that demonstrate through documentation what Kendall Thiemann has been stating is true.

Prior to March 17, 2025, ESD Superintendent Moloney, Chief Operations Officer Jenae Gomes, Evergreen Principal Danny Orrantia, Dr. Heather Fowler, and Tracy Thompson among others had been provided the Gilbert Police Report Number associated with the criminal investigation of Jeremy Calvert and could have easily obtained the truth through the public records process. It was confirmed by the Gilbert Police Department in April of 2025, no one from Evergreen School District made such a request.

The actions by ESD Superintendent Moloney, Chief Operations Officer Jenae Gomes, Evergreen Principal Danny Orrantia, Dr. Heather Fowler, Tracy Thompson, Amanda MacDonald, Andrea Wooster and other Evergreen administrators and/or staff were defamatory, violative of the Washington Law against Discrimination, and constituted the tort of Outrage on multiple levels, including trying to discredit someone reporting potential crimes and/or actions that are against public policy. The facts of the retaliatory actions by ESD staff are set out below.

At this time Kendall Thiemann will be seeking at least 4.5 million dollars in compensation for the multitude of acts defamation, violations of the Washington Law Against Discrimination (WLAD) and the tort Outrage, and overall actions of retaliation against him which have occurred over the last 20 months.

1.2 Factual Background:

The facts which are contained within the attached Gilbert Police Report and supplemental reports # 07-000000131: (which were also set out in East Valley Tribune article originally date February 14, 2007) are an attachment to this document.

1.2.1 **2006**:

In 2006, John Deeder, became the Evergreen School District's Superintendent, in Clark County, in the State of Washington.

1.2.2 **2006:**

In 2006, it is understood that Jenae Gomes is employed by the Kelso School District, in Cowlitz County in the State of Washington.

1.2.3 **Fall of 2006:**

In the fall of 2006, Danny Orrantia was the band director at Higley High School and he had a contract assistant, Jeremy Calvert, who assisted him with the band duties. (See the attached .pdf, page 13 of the Gilbert Police Department report, by Detective (Det) Veronica Butler's report).

In the fall of 2006, Danny Orrantia was approached by female minor students who complained that Jeremy Calvert was sending them inappropriate texts, one text which indicated that Jeremy Calvert had informed the minor female student she "looked good" and that Jeremy Calvert had also indicated that he wanted to "go out" with the minor female student.

In 2006, Danny Orrantia took no action against Jeremy Calvert. (See below page 13 of Gilbert PD Det. Veronica Butler's report). In 2006, there is no known evidence Danny Orrantia informed his administrators at Higley High School/ Higley School District about Jeremy Calvert's actions regarding the text messages. (See the attached .pdf below pages 8-41 of Gilbert PD Det. Veronica Butler's report and all other Gilbert PD original and supplemental reports).

There is no evidence documented that at any time Danny Orrantia informed anyone in law enforcement of Jeremy Calvert's actions in 2006. (See the attached .pdf below pages 8-41 of Gilbert PD Det. Veronica Butler's report and all other Gilbert P.C. original and supplemental reports).

It is important to note, two witnesses in recorded interviews confirmed that

Danny Orrantia was aware of the texts sent by Jeremy Calvert, one was Jeremy Calver, after being given his *Miranda* rights, and one was the minor female victim. In summary it was independently confirmed that the texts Jeremy Calvert had sent to the minor female in October 2006 had been reported to Danny Orrantia and that Danny Orrantia had been made aware of the texts in 2006. (See pages 8-20 of the attached .pdf below, Det. Veronica Butler's Gilbert Police report).

November 29, 2006:

On or about November 29, 2006, Jeremy Calvert, at Higley High School, engaged in several separate actions of sexual contact, hereinafter referred to as a rape, sodomization, and/or sexual assault, with one of the minor females (15-year-old female), who had previously reported to Danny Orrantia that Jeremy Calvert had been sending her inappropriate texts. In 2006, Danny Orrantia was aware of the texts prior to the date of the rape, sodomy, and/or sexual assault. (page 8-20 of the Gilbert PD report).

The acts resulted in Jeremy Calvert later being arrested on January 9, 2007, for rape, sodomy, and/or sexual assault in relation to the minor female who is understood to have been a student of Danny Orrantia's (page 8-20 of the Gilbert PD report). Jeremy Calvert was convicted of sex offenses in the matter in the spring of 2008.

1.3 January 3, 2007

On January 3, 2007, one of the minor female students who had in 2006 reported to Danny Orrantia regarding Jeremy Calvert's texts, reported to the Gilbert Police Department that she had been raped, sodomized and/or sexually assaulted by Jeremy Calvert and indicated that this had occurred on or about November 29, 2006. (See below page 13 of Gilbert PD Det. Veronica Butler's report).

1.4 January 3, 2007: Forensic Interview of the victim

On January 4, 2007, during the afternoon, the 15-year-old minor female victim student of Danny Orrantia's, who had reported on January 3, 2007, that she had been raped, sodomized, and/or sexually assaulted, engaged in a lengthy forensic interview, with Gilbert Police Detective Veronica Butler. This interview covered in detail the crimes committed upon her by Jeremy Calvert. Toward the end of the forensic interview the minor female victim was asked if there was anyone who could provide information about what occurred between her and Jeremy Calvert, and the minor female indicated that she Danny Orrantia was aware of texts sent out by Jeremy Calvert to her and another minor female student.

Det. Veronica Butler, documented in her police report in 2006 and has recently confirmed in 2025, when the minor female student(s) had shown the texts to Danny Orrantia that this was prior the criminal sexual acts of Jeremy Calvert upon one of those minor females had been perpetrated. These are the same acts for which Jeremy Calver was later arrested constituting of rape, sodomy and/or sexual assault upon the 15-year-old female student, which were alleged to have occurred on or about November 29, 2006.

1.4.1 Specific Facts from the forensic interview:

On January 3, 2007, the following specific facts were provided by 15-year-old minor female student to Gilbert Police Det. Veronica Butler, during the audio and video taped interview:

1.4.1.1 She was a fifteen-year-old student. (Page 9 of Gilbert PD Det. Veronica Butler's report) (page 12 of Gilbert PD Det. Veronica Butler's report). During the interview, the 15-year-old female, specifically described that she had never had vaginal or anal intercourse before the incident with Jeremy Calvert. (Page 12 of Gilbert PD Det. Veronica Butler's report).

1.4.1.2 Prior to the sexual assault, the fifteen-year-old female student stated that her drum instructor, Jeremy, and her had been friends. As part of their friendship, they would communicate through text messaging via their cellular phones. However, one night Jeremy began sending text messages which she believed were "out of hand." She said she told him to stop because he had a girlfriend, and he was her drum instructor. (Page 10 of Gilbert PD Det. Veronica Butler's report).

1.4.1.3 She reported that on 10/31/2006, Calvert sent her pornographic text messages and pictures to her cellular phone. (Page 9 of Gilbert PD Detective Veronica Butler's report).

1.4.1.4 On 10/31/2006, they texts began with Jeremy asking her what she wore to sleep. He told her what he wanted to do to her and asked her what she would do to him.

He asked her if they had sex would she let him have sex with her "up her butt." He told her he really "liked" that (anal sex) and asked her she would give him "blow job." (page 12 of Gilbert PD Det. Veronica Butler's report).

She further explained Jeremy had sent a picture of his penis to her cellular phone, which she received after advising him not to send her sexual related text messages. (Page 10 of Gilbert PD Det. Veronica Butler's report).

1.4.1.5 The fifteen-year-old female student explained what occurred on or about November 29, 2006, when she and Jeremy Calvert where located in a band room at Higley High School. (Page:11 to page 12 of Gilbert Det. Vernoica Butler's report.)

1.4.1.6 On January 3, 2007, during the video and audio taped interview of the *15-year-old* female student by Det. Butler, the female student described what occurred in November of 2006, when Jeremy Calvert and she where located in a band room at Higley High School. (*P*age 11 to page 12 of Gilbert Det. Vernoica Butler's report.)

1.4.1.7 She indicated that she felt that she had to comply with Jeremy's requests for sex because he was physically blocking the doorway and was working out as he was going in the Marines. (Page 11and page 21 of Gilbert Det. Vernoica Butler's report.)

1.4.1.8 The 15-year-old female described having been forced to perform oral sex upon Jeremy Calvert. The 15-year-old female described Jeremy Calvert having digitally penetrated in both her vagina and her anus under the same circumstances as described above on the same date. (Page 11 to page 12 of Gilbert Det. Vernoica Butler's report.)

1.4.1.9 The 15-year-old female described when she was going to leave the band room Jeremy Calvert pulled her back to toward him and pulled her pants down. She then described Jeremy Calvert, penetrating her anus, moving back and forth and ejaculating. (Page 12 of Gilbert Det. Vernoica Butler's report.)

1.4.1.10 During this act the 15-year-old female described herself as being in shock when this occurred and being in a state whereas a defense mechanism, she did notice her surroundings, or recall seeing or feeling anything in an effort to avoid at that time what was happening. (Page 12 of Gilbert Det. Vernoica Butler's report.)

1.4.1.11 It was after providing these horrendous facts during the forensic interview that the 15-year-old student of Danny Orrantia was asked by Det. Veronica Butler if she could think of anything else that would be important for Det. Butler to know that had not been asked. It is clear that Det. Butler was trying to seek witnesses who could corroborate the 15-year-old female's statements. In response to this question the 15-year-old female old responded to the open-ended question that in 2006 Jeremy had sent text messages to her friend, telling her she looked good and that he wanted to go out with her**.** The 15-year-old student victim indicate that the girls showed the messages to "Mr. O", who was later identified as Mr. Daniel Orrantia, the Band Director. She said there was no consequence to Jeremy Calvert for sending the text message because "Mr. O" believed Jeremy Calvert over the students. (page 13 of Gilbert PD Det. Veronica Butler's report).

1.5 January 7, 2007: Detective Veronica Butler and contact with Danny Orrantia

On January 7, 2007, at 6:00 p.m. Det. Veronica Butler telephoned Danny Orrantia. Danny Orrantia did not answer. Det. Butler left Danny Orrantia a message leaving her name, occupation, and a request that Danny Orrantia contact her at a specific phone number. Det. Butler wrote: "I did not receive a return call from him." (page 14 of Gilbert PD Det. Veronica Butler's report and supplemental reports). To be clear, Det Butler never received a call from Daniel "Danny" Orrantia. (page 14 to page 41of Gilbert PD Det. Veronica Butler's report and supplemental reports).

1.6 January 8, 2007: Gilbert Police attempt to locate Jeremy Calvert

1.6.1 Prior to January 8, 2007, there is no record of any attempt by either Detective Veronica Butler, or any other member of law enforcement, to contact Jeremy Calvert (page 14 to page 41 of Gilbert PD Det. Veronica Butler's report and supplemental reports).

1.6.2 On January 8, 2007, at approximately 8:00 a.m., Det. Butler was located at Higley High School and was accompanied by another officer. Det. Butler contacted Higley High School Principal Robert Mileham at the front office of Higley High School. (See the attached report and this was verified by former Det. Butler in 2025.)

Det. Butler advised Principal Mileham in detail as to the purpose of her being at Higley High School, which included describing some facts surrounding the accusations relating to Mr. Jeremy Calvert and the fact that the alleged victim was a student at Higley High School.

In addition, Det. Butler provided facts to Principal Mileham relating to Mr. Danny Orrantia, and that it was understood that Mr. Orrantia was aware of the texts in 2006, which had been sent by Jeremy Calvert to the alleged victim and another minor female student. Further, Det. Butler has communicated that it was clear from her contact with Principal Mileham that Danny Orrantia had taken no action to report the texts to administrators. It is also understood from contact Det. Butler that Danny Orrantia had not reported anything to law enforcement, or child protective services. During the meeting on January 8, 2007, Det. Butler requested that Principal Mileham allow her to speak with Jeremy Calvert.

On January 8, 2007, after this request was made, Principal Mileham left his office in an attempt to locate Jeremy Calvert. Principal Mileham returned a short while later and advised Det. Butler that Jeremy Calvert had been present for "A" hour, but was no longer present. ("A" hour was scheduled from 0645 hours to 0740 hours.) Additionally, Mr. Mileham advised Det. Butler that while he had been looking for Jeremy Calvert, he was able to speak with Danny Orrantia.

Mr. Mileham informed Det. Calvert that he had just discussed the general accusations as to Jeremy Calvert with Danny Orrantia. Further, that Mr. Mileham had also discussed with Mr. Orrantia about the issue of Mr. Orrantia's prior knowledge of Jeremy Calvert sending inappropriate text messages to female students.

Mr. Mileham informed Det. Butler that when Mr. Orrantia was informed about the information, specifically about the accusations of Mr. Orrantia having knowledge about the inappropriate texts, Mr. Orrantia denied having prior knowledge of the 2006 texts. Mr. Orrantia, having been made aware that Det. Butler was at Higley High School made no effort to contact Det. Butler or return her call from the day before. (See the attached .pdf, page 14 of Gilbert PD Veronica Butler's report).

1.6.3 On January 8, 2007, Det. Veronica Butler, accompanied by Officer J. Cooke left Higley High School and drove to Jeremy Calvert's residence. Det. Butler had conducted a short recorded noncustodial interview with Jeremy Calvert at his home. Jeremy Calvert was given an outline of the accusations, and he provided Det. Butler with essentially a general denial. Det. Butler left the residence and Jeremy Calvert was not arrested.

1.6.4 On January 8, 2007, Det. Veronica Butler was provided with phone/text billing information that confirmed that Jeremy Calvert had sent the 15-year-old female victim approximately (324) three hundred and twenty-four text messages texts from October 29, 2007, at10:42 a.m. to November 08, 2007, at 09:54 a.m.

1.7 **January 9, 2007: Interview of Jeremy Calvert, and confession and arrest**

On January 9, 2007, at approximately 10:00 a.m., Jeremy arrived at the Gilbert Police Department and was escorted into the interview room and subsequently read his *Miranda* rights while being audio and video taped. (page 17 of Gilbert PD Veronica Butler's report).

At the outset of the interrogation Jeremy Calvert was not informed of the specific content of written texts the minor victim had indicated that he had sent her.

At the outset of the interrogation Jeremy Calvert was not informed about the specific details of the sexual activity which the victim had stated had occurred on or about November 29, 2006. (page 17 of Gilbert PD Veronica Butler's report).

There is no evidence that Jeremy Calvert was aware that the 15-year-old victim had stated that Mr. Orrantia had been informed about Jeremy Calvert's texts to the victim in 2006. (page 17-21 of Gilbert PD Veronica Butler's report)

On January 9, 2007, Jeremy Calvert initially engaged in minimizing and denying any wrongdoing. (page 17 of Gilbert PD Veronica Butler's report)

As the interrogation progressed Jeremy Calvert was confronted with the fact of the volume of texts (325 texts in a 10 day period) he had sent to the 15-year-old female

victim and the times he had sent them, i.e. between midnight and two a.m. (page 17 of Gilbert PD Veronica Butler's report)

After being confronted with these facts Jeremy Calvert admitted to sending messages the year prior, i.e. in late October and early November of 2006 to the 15-year-old female victim student.

Additionally, Jeremy Calvert stated that in 2006**, after Jeremy's sending of texts to the minor female it had been reported to Mr. Orrantia in 2006**, and Jeremy stated that he had discontinued sending her messages. (Page 17 of Gilbert PD Det. Veronica Butler's report). This was corroborated by billing information as the dates of the texts in 2006.

At a critical point in the interview Jeremy Calvert confessed. It is again important to point out that Jeremy Calvert was not provided with specifics about what the 15 year old had indicated as to the nature of sexual activity.

Jeremy Calvert, without having been informed of specifics of the criminal sexual acts confessed to the following facts:

- the location of where the criminal sexual contact occurred, i.e. at the high school,
- the specific act of oral to genital contact,
- the specific acts of digital vaginal and digital anal penetration
- the specific acts of penile penetration of the anus
- the specific acts of ejaculating during penile to anus intercourse. (page 18 to page 19 of Gilbert PD Det. Veronica Butler's report).

In summary, Jeremy Calvert, during a custodial interrogation, confessed to almost the same details provided by the 15-year-old female, without knowing they were identical to her statements and corroborated her version of events including the fact that:

- In 2006 Jeremy Calvert's inappropriate text messages had been reported by the 15-year-old female victim student to Danny Orrantia and that after **it had been reported to Mr. Orrantia,** Jeremy Calvert discontinued sending her messages.
- The specific facts set out above of the rape, sodomy/and or sexual assault.

At approximately 12:21 p.m. on January 9, 2007, Jeremy Calvert was placed under arrest. (See attached Gilbert Police Report, page 20). It is understood that processing took time from that point and that no one from the Gilbert Police

Department contacted anyone at the Higley School District to inform them of the arrest.

1.8 **April 2007**

In April 2007, it is understood that in April of 2007 Danny Orrantia began to seek employment in the Evergreen School District in Vancouver, Washington. Between January 2007 and April of 2007, other minor female students are interviewed, and it is reported that Jeremy Calvert engaged in sexual activity with another student or students. It is understood that this was never publicly reported, but it is in the reports from page 22 forward to page 41. (Page 22 to page 41 of Gilbert PD Det. Veronica Butler's report).

1.9 **May 2007**

In May of 2007 it is understood that Evergreen High School extended an offer to Danny Orrantia, and he provided notice to Higley School District of his intent to resign.

In the summer of 2007, It is understood that Danny Orrantia left the State of Arizona, accepted the position at Evergreen High School and established residence in the State of Washington.

There are no known records in the possession of ESD indicating that Danny Orrantia disclosed any of the facts set out above relating to Jeremy Calvert during prior to being hired in 2007 or between 2007 and 2014.

1.10 **2008: Statements Hearing, Plea of Guilty and Sentencing:**

In 2008, it is understood that Jeremy Calvert challenged the admissibility of his video and audio taped confession in his criminal matter in an evidentiary hearing in Maricopa County Superior Court. Det. Veronica Butler attended and was part of the hearing. Jeremey Calvert's motion to suppress the admissibility was denied and his audio and video taped confession was ruled to be admissible. In May of 2008, not long after the ruling Jeremy Calvert pleaded guilty to two counts, sex offenses and was later sentenced with what is understood to be a requirement that he register as a sex offender with a lifetime probation.

1.11 2014

In 2014, is understood that Danny Orrantia was extended an offer to be an assistant principle at Heritage High School. There are no known records in the possession of the ESD indicating that Danny Orrantia, prior to being hired as an assistant principal, disclosed any of the facts set out above relating to Jeremy Calvert or Danny Orrantia's failing to act in relation to the texts or Danny Orrantia's apparent provision of false or misleading information to his principal at Higley High School on January 7, 2007.

1.12 2017

On or about July 20, 2017, Evergreen Superintendent, John Deeder retired. Jenae Gomes, at that time, was the Evergreen School District Human Resource Director. Ms. Gomes had moved from the Kelso School District a few years prior to John Deeder's retirement. In August of 2017, John Steach started in the position of Evergreen Superintendent.

1.12.1 Evergreen High School

In the fall of 2017, Sadie Pritchard was an associate principal at Evergreen High School. In the Fall of 2017, Lisa Emmerich was the Principal at Evergreen High School. By the fall of 2017, Ms. Emmerich, in the previous few years, had two of her teachers prosecuted for engaging in sexually related offense with respect to their students (Stephanie Mc Crea starting at the end of 2014 and Matthew Morasch in June of 2015.)

1.13 2018

1.13.1 May 2018 Evergreen High School, Sadie Pritchard and Mark Lugliani

On or about May 16, 2018, Mark Lugliani, a substitute teacher at Evergreen High School appeared in court after being arrested for engaging in sexual activity with an 15-year-old girl Evergreen High School student with disabilities. In Mid-May, 2018, Evergreen High School Associate Principal Sadie Pritchard resigned after she was charged with engaging in sexual activity with a student, some of which was alleged to have occurred in her office. Her immediate Supervisor, Evergreen High School Principal Lisa Emmerich, was moved from her position at Evergreen High School.

1.13.2 On or about June 14, 2018, Danny Orrantia replaced Lisa Emmerich as Evergreen High School Principal. On May 21, 2018, Danny Orrantia was extended a letter of intent to be a principle at a middle school in Evergreen School District, but it is understood that Danny Orrantia was re-routed after May 21, 2018, after this was very shortly after Evergreen High School Associate Principal Ms. Prichard and Evergreen High School Associate Principal Mr. Lugliani were charged.

There are no known records in possession of the ESD indicating that prior to being hired as a principal at Evergreen High School. Danny Orrantia disclosed any of the facts set out above relating to Jeremy Calvert for failing to act in relation to the texts or providing false or misleading information to his principal at Higley High School on or about January 7, 2007. It is understood that the District was unaware of Danny Orrantia's past actions / omissions in 2006 relating to texts sent to a minor student in the Higley School District or the subsequent raping, sodomization, and/or sexual assault that resulted to one of that minor student by Jeremy Calvert. Given that Danny Orrantia was rerouted from a principal position at a middle school and shifted over to Evergreen High School in the immediate wake of Saddie Pritchard and Mark Lugliani being charged, it is unlikely this would have occurred had Danny Orrantia's past been investigated.

1.13.3 **November 18, 2018: Missed Red Flags article in the Columbian**

On November 18, 2018, the Columbian newspaper published a story with the title "Missed red flags kept predators in Clark County schools" which covered the fact that five Evergreen School District teachers had engaged or were suspected or charged with engaging in sexual activity with students. Four out of the five educators referenced in the article were Stephanie Mc Crea, Matthew Morasch , Mark Lugliani, and former Evergreen High School Associate Principal Sadie Pritchard.

1.14 **2019: February 26, 2019, John Steach resigns**

On or about Tuesday, February 26, 2019, Evergreen School District Superintendent John Steach resigned just minutes before the Tuesday February 26, 2019 Evergreen School District board of directors meeting. In February of 2019, Mike Merlino became the interim Superintendent for the Evergreen School District.

1.15 **2019: August 22, 2019, Eric Dodge**

On or about August 22, 2019, Eric Dodge, a Evergreen School District teacher. in preparation for the school year, reported to a cultural sensitivity training session wearing a MAGA hat from the parking lot to the front doors of the school. This action caused some teachers to complain to their principal, Ms. Garrett. On or about August 22, 2019, Ms. Garrett consulted with Ms. Gomes, who was at the time the Chief Human Resources Officer for Evergreen School District. on how to discuss the issue with Mr. Dodge. Ms. Garrett subsequently engaged with Mr. Dodge and had that conversation. Ms. Garrett's subsequent actions with Mr. Dodge were the basis for a Harassment Intimidation and/or Bullying (HIB) complaint by Mr. Dodge. Ms. Gomes was later responsible for selecting the investigators relating to the HIB complaint. Sometime prior to the completion of the HIB complaint in late October of 2019, Ms. Gomes had a meeting with Mr. Dodge.

It is understood that at this meeting Ms. Gomes discussed a pending public records request with Mr. Dodge. It is understood that in her position as Chief Human Resources Officer for Evergreen School District, she was the administrator responsible for overseeing the public records request officer. Ms. Gomes had received a public records request from a local newspaper and/or news agency asking about the MAGA hat incident and Mr. Dodge's complaint. Ms. Gomes is reported to have *warned* Mr. Dodge that the District may "have to give the newspaper his entire personnel file" and expressed her concern about his medical information becoming exposed. It should be noted that under RCW 42.56, a release of such information is subject to exemptions. It is understood that Ms. Gomes explained that if Mr. Dodge rescinded his HIB complaint, then the District would not have to turn anything over. Again, it should be noted that if this is an accurate depiction of what occurred then it appears to be in contravention of the operative statutory language contained withing RCW 42.56. In summary, merely withdrawing a complaint has no bearing on whether a public entity can withhold or not respond to a public records request.

Based upon many facts, including those set out above, Mr. Dodge filed a lawsuit in early 2020. Early in the process, the ESD filed a motion to dismiss under FRCP 12(b)(6). Federal District Judge Ronald Leighton issued a decision in part granting and denying the ESD's motion. Mr. Dodge filed an amended complaint, and

discovery began in the matter. It is understood that prior to Jenae Gomes being deposed, the ESD filed a summary judgement motion, which first resulted in a Federal District decision on or about January 13, 2021, which granted in part and denied in part the ESD's motion.

1.16 **2021: Fall of 2021 and the termination of Superintendent Mike Merlino**

On December 8, 2021, Evergreen School Superintendent Mike Merlino was put on administrative leave. On or about December 16, 2021, Superintendent Merlino was terminated from his employment at Evergreen School District.

ESD board of directors' member Racheal Rogers wrote a email on December 7, 2021, regarding an investigation that had resulted in the termination of Superintendent Merlino. This email was forwarded to the Evergreen School District Board of Directors by Ms. Rogers. In the email sent to the investigator Ms. Rogers summarized the investigation. Ms. Rogers indicated that the investigation as to Mr. Merlino's actions which was related in part to an administrative employee who was a personnel administrator at the ESD, with whom Mike Merlino had engaged in acts that were deemed to be retaliatory. It appears that sometime between December 7, 2021, and December 16, 2021, the press was provided Ms. Rogers' email.

Some of the actions described in the investigation were:

- Mr. Merlino had prepared a draft evaluation for the administrative employee who was a personnel administrator for the period of time through December 2020. (This would overlap the time of the Dodge v. Evergreen lawsuit).
  In this evaluation, Mr. Merlino gives the administrative employee the lowest scores possible in most categories. The investigator indicated that it was the *worst evaluation they had ever read*. It was described as a *"hatchet job*".
  In this evaluation, it was noted that Mr. Merlino was not attempting to empower the administrative employee/personnel administrator to succeed.
  On more than one occasion Mr. Merlino had provided external resources to others in the School District in an attempt to engage in what was referred to as "*character assassination*." One example being that Mr. Merlino provided information to the Board directly and implied he believed the administrative employee who was a personnel administrator suffered from personality disorder.

The investigators summation was that Mike Merlino's actions were in the least a "decent case of a whistleblower being retaliated against" and an abuse of power. It is understood that it was this report that resulted in the board voting to terminate Mr. Merlino.

It is understood that Mike Merlino's administrative time period and time out of the office was occurring in late November of 2021 through to December 16, 2021.

By comparison, on March 18, 2025, Superintendent Moloney, in an email to the board where she referred to Kendall Thiemann and Danny Orrantia, she indicated that the District first became "aware" of the "events at Higley High School" on "November 21, 2021" and that the District requested "relevant records from Arizona" and that the District received those records on December 14, 2021.

1.17 **December 2021: John Boyd Interim Superintendent**

In December of 2021, John Boyd accepted the position of interim Superintendent for the Evergreen School District, later becoming Superintendent of Evergreen School District. (Note: Superintendent John Boyd retired two ½ years (2.5) later in June of 2024.)

September 28, 2023, Request/ (first step in the grievance process starts) regarding a request for a new evaluator. On September 28, 2023, Kendall Thiemann, engaging in legitimate union activity, sent an informal request pursuant to the collective bargaining agreement (CBA), via email, to ESD administrator Jenae Gomes relating to concerns surrounding Evergreen High School Principal Danieal (Danny) Orrantia. The request relating to the concerns was denied.

1.18 **October 18, 2023: Step-1 Grievance served re: request for new evaluator:**

On October 18, 2023, the written Step-1 Grievance relating to Mr. Orrantia was provided to ESD administration via email. Kendall Thiemann, who was continuing to engage in legitimate union activity, conveyed and clarified his earlier concerns in writing in a Step-1 grievance. Kendall Thiemann had previously followed the CBA and requested a different evaluator, i.e. someone other than Danny Orrantia.

In the Step-1 Grievance, Kendall Thiemann again wrote about a general concern relating to documented instances by Mr. Orrantia and this was related to Mr. Orrantia's inability to provide honest responses to legitimate inquiries during the early stages of the grievance process.

1.19 **October 19, 2023, School Shooting at Evergreen High School:**

It is understood that on or about October 19, 2023, at approximately 1:08 p.m. Vancouver Police Department V.P.D. officers arrived on scene, in the vicinity of Evergreen High School after a 911 call reported shots were fired in the vicinity of Evergreen High School. VPD Officers arrested 16-year-old FERPA Info in the parking lot of McKenzie Stadium, which is district property between the school and Cascade Middle School. FERP, who was later identified as being a Evergreen High School student and was arrested by V.P.D. officers upon the believe there was probable cause relating to the crimes of first-degree assault, second-degree unlawful possession of a firearm and possession of a deadly weapon on school grounds. The probable cause affidavit for FERPA arrest stated that he had fired multiple rounds from an illegally possessed handgun at two other students in the direction of Evergreen High School. It was extremely fortunate that no one was hit.

However, there were several reports of Evergreen School District staff and students running toward the school and hearing bullets in the air.

Parents and Educators were publicly critical of the reaction by the District to the issue of safety and specifically the communications that had occurred. The Columbian apparently quoted Chuck Keplar, an assistant football coach, when citing an October 20, 2023, Facebook post indicating that he witnessed the events and felt the district had downplayed the severity of the situation and obscuring specific details.
Mr. Keplar was quoted as indicating as follows:

> "I spoke with (Superintendent John Boyd) on Friday morning (October 20, 2023), and he insisted that they were not trying to soften their communication, but I see it very differently,"

Mr. Keplar also stated:

> "A student of Evergreen High School fired shots toward staff and students that were on school grounds. Does anyone feel the narrative that is being put out by Boyd and the district is fair and accurate?"
> (See link: https://www.columbian.com/news/2023/oct/24/new-details-in-thursday-shooting-outside-evergreen-high-school/).

During the week of October 23, 2023, Danny Orrantia called a staff meeting following the shooting.

Kendall Thiemann and approximately 80 members of the Evergreen High School certificated staff, who were members of the teachers' union, were sent notifications to appear at this meeting. During this period union members, communicating with one another on legitimate union issues, were critical of Evergreen High School Principal Danny Orrantia's and the Evergreen School District administration's handling of the matter and communications that occurred during the event. Union members and membership critical of the district's actions reached out to the members asking for support and to appear at an Evergreen School District school board meeting held soon after the shooting at Evergreen High School.

There were union members who, after the staff meeting, which was called by Danny Orrantia, were critical of Principal Danny Orrantia. Specifically, members were critical of Danny Orrantia regarding his communications the day of the shooting and his cooperation with law enforcement on the day of the shooting.
In summary the union members' concerns overall were related to general and specific safety issues.

1.20 **October 24, 2023, November 1, 2023 (1st time notice was provided to an ESD administrator regarding the events that occurred in 2006 at Higley High School and the acts that followed.) Step-1 Grievance formal conference re: new evaluator with Tracy Thompson, re: Danny Orrantia where concerns of Safety and integrity were raised and the facts of what occurred in Arizona in 2006 and 2007 were addressed.**

In accordance with the CBA language as to the procedures to be followed in pursuing grievances, Kendall Thiemann had a formal conference after he had served his written Step-1 Grievance on the appropriate Evergreen School District Administration, i.e. the assigned immediate supervisor.

On or about October 24, 2023, engaging in legitimate union activity, Kendall Thiemann had a formal conference on a Step-1 grievance and spoke directly with Tracy Thompson, Evergreen School District's Senior Director of Human Resources. Kendall Thiemann provided Ms. Thompson with specific information to supplement his original written Step-1 grievance. After the shooting incident at Evergreen High School, which had occurred just 5 days prior to the meeting, Kendall Thiemann had learned of information relating to Evergreen High School Principal Danny Orrantia and his cooperation, supervision, and subsequent failure to be forthcoming about the same which raised additional safety and integrity concerns.

The binder Kendall Thiemann provided Ms. Thompson contained hard multiple copies of different news reports from the East Valley Tribune, a news outlet covering news in the Gilbert Arizona area. On October 24, 2023, Kendall Thiemann was accompanied at the meeting by Lisa Raine, a union representative. One of the articles which Ms. Thompson was provided with was an article which specifically highlighted facts starting in 2006 relating to text messages.

Specifically, text messages sent by Jeremy Calvert, a person Danny Orrantia had supervision over, sent to a minor female student asking her to go out with him, in short asking the student out for a date. Ms. Thompson was provided with a hard copy indicating that according to police reports, one of the two minor female students were raped after Danny Orrantia was shown the texts and that Danny Orrantia took no action.

On October 24, 2023, during the formal Step-1 Grievance conference, Ms. Thompson completely ignored the concerns raised by Kendall Thiemann regarding the information he provided her with from the East Valley Tribune which cited police reports as the source of information. There is no known evidence that Ms. Thompson followed up and requested police reports from the Gilbert Police Department relating to the 2007 investigation of Jeremy Calvert's and subsequent

arrest for rape, sodomy and sexual assault of a Danny Orrantia's minor female student.

It is important to highlight that when Ms. Tracy Thompson was provided with specific notice on October 24, 2023, of the incidents in 2006 at Higley High School relating to Danny Orrantia, this was the first time that it is known to have been documented where notice was given to the Evergreen School District regarding the incident in 2006 at Higley High School and Danny Orrantia's role in failing to act upon the texts. Note that in 2025, it has been confirmed with the Gilbert Police Department that Evergreen School District, from 2007 until April 17, 2025, had not requested or received the Gilbert Police Department PD report # 07-000000131.

1.21 **On Wednesday evening, October 25, 2023, (and again on Saturday, October 28, 2023), Union protected communications, via email, were sent addressed to approximately 80 certificated union members.**

On October 25, 2023, an email was sent out to approximately 80 union members of the Evergreen High School certificated union from what appears to be an address where the sender wanted to be anonymous. The content of the email addressed legitimate union activity on the topic of a meeting that had just occurred at Evergreen High School that had been called by Principal Danny Orrantia. The email ends with the proposal that the Union members consider a vote of no confidence.

Principal Danny Orrantia's name was never used in the email. The email was sent to Kendall Thiemann, as he was one of the 80 certificated union members who received the October 25, 2023, email, and this was the manner with which he became aware of the existence and content of the email.

From review of the content of the email Kendall Thiemann recognized the communication as what appeared to be legitimate union protected communication relating to safety issues and compliance with language set out in the CBA, RCW 28A.320.125 (Safe school plans—Requirements—Duties of school districts and schools—Drills—Rules—First responder agencies.) and/or RCW 28A.320.126.

1.22 **On Saturday afternoon, October 28, 2023, (the second), Union protected communication was sent via email, addressed to approximately 80 certificated union members.**

On Saturday afternoon, October 28, 2023, a second email was sent out to approximately 80 certificated union members of the Evergreen High School's certificated union from what appears to be the same email address as the October 25, 2023, email referenced above. Again, it appears that the sender wanted to be anonymous. The general topic addressed to the union members was a legitimate issue of safety and accountability. The email was sent to Kendall Thiemann, as he was one of the 80 certificated union members sent the email on October 25, 2023.

Danny Orrantia's name was never used in the email, but there was a link relating to Danny Orrantia. The email contains a link to one of the many of the stories from the East Valley Tribune that related to Jeremy Calvert's sexual assault upon a minor student. The email included a proposal that the Union members review the content of the link and consider the concerns of future harm based upon past documented safety failures by an administrator. From review of the content of the email Kendall Thiemann recognized the communication as a legitimate union protected communication relating to safety issues and compliance with language set out in the CBA, RCW 28A.320.125 (Safe school plans—Requirements—Duties of school districts and schools—Drills—Rules—First responder agencies.) and/or RCW 28A.320.126.

1.23 **Monday, October 30, 2023: Direct Contact from Ms. Gomes to Kendall Thiemann**

On Monday, October 30, 2023, at 8:28 p.m. Jenae Gomes, Evergreen School District's Chief Operations Officer, sent an email to Kendall Thiemann. The subject line stated the email was about "Schedule Meeting." Ms. Gomes wrote to Mr. Thiemann alone as it appeared that no one else was included in the email. Ms. Gomes indicated that Mr. Thiemann was required to meet with her relating to "an email." This initial email indicated that Kendall Thiemann was "invited to bring union representation" with him. The only other detail referenced was that the meeting would occur at the end of the week at the Administrative Services Center (ASC). This notice was sent out six (6) days after Kendall Thiemann's meeting with Ms. Thompson on his pending Step-1 grievance.

1.24 **Tuesday, October 31, 2023: Direct Contact by Ms. Gomes.**

1.24.1 On Tuesday, October 31, 2023, at approximately 12:41 p.m. Kendall Thiemann replied to Ms. Gomes and indicated that his choice of union representation was currently out of the country and was due back on Tuesday, November 7, 2023. Mr. Thiemann never named his representative. However, Kendall Thiemann indicated that his representation had been a "part of all my ongoing conversations".

1.24.2 On Tuesday, October 31, 2023, four minutes later, at 12:45 p.m., Ms. Gomes replied only to Kendall Thiemann (not including Lisa Raine) and wrote as follows:

> "I am aware that Lisa is out of the country, and you will need to select another representative. Do you prefer this Thursday or Friday?

Kendall Thiemann was somewhat troubled by Ms. Gomes' response as it came back very quickly and he had not mentioned Lisa Raine to Ms Gomes.

The reasonable conclusion from Kendall Thiemann being that Ms. Gomes was aware of the identity of who was representing him and that she knew his representation was not available on the date she was ordering a "meeting" about an "email." Kendall Thiemann was aware that at that point, i.e. as of October 30, 2023, he and Lisa Raine had not had any interaction with Ms. Gomes on any pending union-related matters. Additionally, the original email from Ms. Gomes on Monday, October 30, 2023, came after just 3 working days had passed since his Step-1 grievance meeting with Ms. Thompson.

Tuesday, October 31, 2023, at 4:17 p.m., after Kendall Thiemann's class day was over, Kendall Thiemann replied to Ms. Gomes. Kendall Thiemann, was concerned for the following reasons:

- it was not clear at this point if the request for a meeting was somehow related to his pending grievance(s);
- it is not clear why any meeting needed occur on Thursday November 1, 2024/ or Friday November 2, 2024 and could not occur on Tuesday, November 7, 2024;
- it was not clear if there was some timeline relating to policy or the CBA that required a timeline for such a meeting to occur in less than three (3) business days;

- it was not clear how or why there was an emergent need for a meeting would override Kendall Thiemann's request for a representative of his choice.

All of the above topics were framed in questions and were sent to Ms. Gomes in the 4:17 p.m. email. Kendall Thiemann also indicated that he already had Lisa Raine representing him in the above referenced grievance among other things. The reasons for asking these questions were as follows:

- Lisa Reine is available on the 7th of November 2023.
- It appeared that the request to have a representative of his choice which would delay the interview only 1 to 2 business days (from Thursday to the next Tuesday/ or Friday to the next Tuesday) wasn't an unreasonable delay to address the task of asking questions about a single email.
- Such a change in representation would force Kendall Thiemann to change continuity of his representation, working to his disadvantage without any clear understanding as to the reasons why this was necessary.

1.24.3 **October 31, 2023, Step One Response by Tracy Thompson:**

On Tuesday October 31, 2023 at 4:29 p.m. Tracy Thompson sent an email to Kendall Thiemann's work email with an .pdf attachment. The .pdf attachment was Tracy Thompson's response to the Step-1 grievance, and it was a denial of the grievance.

As noted above, Ms. Thompson didn't have a single entry related to the safety and integrity concerns related to Danny Orrantia's 2006 review of texts from a student sent to them from Jeremy Calvert, asking the student for a date.

Ms. Thompson didn't have a single entry in her Step-1 grievance response relating to the facts that after failing to act upon the information in the texts, one of Danny Orrantia's minor females who reported the issues as to texts from Jeremy Calvert was subsequently raped, sodomized, and or was the victim of a sexual assault. In summary, Ms. Thompson made no record of Kendall Thiemann's references to safety concerns related to the incidents in Arizona with respect to Danny Orrantia.

1.24.4 **October 31, 2023, 7:08 p.m. Jenae Gomes orders that the meeting to occur on November 2, 2023**

On Tuesday October 31, 2023, at 7:08 PM, Ms. Gomes replied to Kendall Thiemann's work email.

Ms. Gomes indicated that the meeting was not "not related to" Kendall's "grievances."

Further, indicated that it was about "a completely separate issue relating to an email(s)."

Ms. Gomes did not answer any questions relating to why there was a necessity or emergency that required that a meeting occur on Thursday, November 2, 2023 or Friday, November 3, 2023. Ms. Gomes merely indicated as follows (bold for emphasis:

> "You are invited to bring representation of your choice to the meeting. If your first choice is unavailable **you will need** to select a second choice."

Ms. Gomes went on to write:

> "I have offered you a choice of Thursday or Friday through two separate email communications and you have not selected either one of them and my schedule quickly fills up **so I am going to choose the date**. and then indicated that the meeting was scheduled for this Thursday, November 2 at 3:30 pm at ASC. Additionally, you are directed to bring any and all of your district issued devices to the meeting.

1.25 **Wednesday, November 1, 2023**

1.25.1 On Wednesday, November 1, 2023, when Kendall Thiemann got to class, he was able observe the email sent to him the night before from Ms. Gomes and he realized that he had 1 business day to locate a new representative to accompany him to the meeting. This was because Ms. Gomes had just indicated that even though she knew he didn't have a representative, the meeting would be occurring on November 3, 2023, as opposed to the other date she initially said was also available, Friday, November 3, 2023.

It was clear that asking any more questions may result in similar punitive actions. Ms. Gomes was now indicating that instead of a single email there were "email(s)" to be discussed. Ms. Gomes further indicated that Kendall Thiemann needed to bring all his ESD issued electronic devises. Kendall Thiemann initially was able to secure a representative. Unfortunately, that person had to withdraw due to a medical issue prior to the time of the meeting. Kendall continued to attempt to locate a representative of his choice but was unsuccessful and had to attend the meeting without representation.

1.25.2 **November 1, 2023 (2nd time notice was provided to an ESD administrator regarding the events that occurred in 2006 at Higley High School and the acts that followed.)**

On November 1, 2023, Kendall Thiemann served his written Step-2 grievance on Dr. Heather Fowler, which included a specific reference is made to Tracy Thompson ignoring the concerns raised to her on October 24, 2023. Kendall Thiemann later raised the issue to Dr. Fowler, in writing on 11/1/2023 and again at the informal hearing on 11/7/2023. In the Step-2 grievance, Kendall Thiemann wrote as follows (bold for emphasis):

> The comment Ms. Thompson made on the topic of the Arizona articles was merely that she was aware of the articles and that the information had been provided to the building representatives at Evergreen High School.
>
> Immediately after my meeting with Ms. Thompson I went to a function in the same location where EHS building reps were in attendance.
>
> I was informed by at least one Union representative that the information which provided to me (about the union being aware of the matter) by Ms. Thompsons information was not accurate. **As**

> **there appears to have been no consideration given to my ethical and moral concerns on this topic of what occurred in Arizona in addition to how it applies to the overall pattern of statements that are not credible, it is necessary to reference it here with some specificity**. (Kendall Thiemann's Step-1 grievance 11/1/202)

1.26 **Thursday November 2, 2023: Kendall Thiemann appears as ordered by Jenae Gomes at the ASC and is placed on administrative leave for what equates to suspicion of engaging in legitimate union activity.**

On November 2, 2023, Kendall Thiemann appeared at the ASC, alone, with devices to surrender to Ms. Thiemann. Jenae Gomes and Danny Orrantia arrived for the meeting. Ms. Gomes asked me if I wanted to proceed without representation. I indicated that I had never wanted to go forward without representation. Ms. Gomes provided me with a written notice, which indicated that I was to be on administrative leave. The letter provided notice to me that I was on leave "pending an investigation regarding an allegation of inappropriate behavior." The letter provided the following directions for me to:

- Remain off Evergreen Public Schools property and not attend District activities.
- Avoid any contact or communication (including texts, social media, etc.) with other employees, students, and/or parents that could be considered interfering with the investigation or that could be considered an attempt to influence the investigation.
- Avoid any retaliatory conduct toward others.
- Turn in your badge, keys, and any district equipment.

There was no other information. Based upon the vague nature of the letter and the fact that Ms. Gomes appeared reluctant to talk to Kendall Thiemann without my union representation being present, he asked Ms. Gomes if he needed an attorney, if this was somehow related to an allegation of criminal conduct. Ms. Gomes indicated to Kendall Thiemann that this was not related to allegations of Criminal Conduct. In summary, it was communicated to Kendall Thiemann that there were questions that would need to be asked, but that this would occur on a different date.

1.27 **November 3, 2023: Jenae Gomes emails Lisa Raine to claim that she was "unaware" of Kendall Thiemann's representation status and 1st email from W. Bryce Rea, Manager of Evergreen School District's IT Systems Security to Jenae Gomes regarding no evidence of wrongdoing.**

1.27.1 **On November 3, 2023, at 11:50 a.m**. a Jenae Gomes sent Lisa Raine, Kendall Thiemann's identified union representative, an email with an explanation that she was "unaware" that Kendall Thiemann didn't "have representation" for the meeting Ms. Gomes compelled Kendall Thiemann to appear for on November 2, 2023. On November 3, 2023, Ms. Gomes wrote as follows to Ms. Raine:

> "Kendall attended the district directed meeting yesterday at ASC at 3:45 pm. He was unable to get union representation for the meeting and I was not aware he couldn't get anyone until he arrived for the meeting."

The last contact by email between Kendall Thiemann and Jenae Gomes that occurred prior to the November 2, 2023, meeting is summarized above. Ms. Gomes was ***only*** aware that Mr. Thiemann didn't have a union representative, as this had been communicated to her. However, on November 3, 2023, Ms. Gomes wrote as follows to Ms. Raine:

> I let him know that I would need to ***pivot*** in the direction of the meeting due to no representation. I also told him that I was unable to ask him questions or give him an opportunity to respond to anything and ***I apologized for that*** but we could reschedule for when you return from your vacation."

On November 2, 2024, at the meeting at the ASC, Kendall Thieman was told by Ms. Gomes that due to his not having representation present there would be no questioning. Kendall Thiemann, during the meeting and after having been served the letter placing him on administrative leave specifically asked Ms. Gomes if he would have been placed on administrative leave if he had been questioned on that day, November 2, 2023.

Ms. Gomes answered, "Yes" he would have been placed on administrative leave regardless of any answers he would answered.

Ms. Gomes provided no apology to Kendall Thiemann during the meeting.

The only request for rescheduling the November 2, 2023 occurred prior to the November 2, 2023, meeting, and it was made by Kendall Thiemann and denied by Ms. Gomes.

Unfortunately, Ms. Gomes, email of November 3, 2023, to Lisa Raine contained misinformation. Additionally, the omission of Lisa Raine in the previous scheduling of the November 2, 2023, meeting was confusing and troubling for Kendall Thiemann.

Finally, Ms. Gomes indicated at the end of the email as follows:

> "I did place him on administrative leave in the interim."

Ms. Gomes statement, with the use of the words "in the interim", leaves the clear impression that this was an action that may not have occurred had the questioning of Kendall Thiemann gone forward on November 2, 2023.

As indicated above, Ms. Gomes had a typed out administrative leave notice ready and prepared when Kendall Thiemann walked into the room at the ASC on November 2, 2023. As is set out below, even after Ms. Gomes had questioned Kendall Thiemann on November 7, 2023, she kept him on administrative leave. Given the circumstances and the lack of any tangible evidence to support his placement on administrative leave, it is clear this was done to have a chilling effect on Kendall Thiemann's union activity and by extension any union member acting on similar information in a similar way.

Ms. Gomes' written statements to Lisa Raine were confusing and somewhat disingenuous at best. As has been illustrated above it was made clear by Kendall Thiemann directly to Ms. Gomes on October 31, 2023, that he had no representation of his choice available on Thursday, November 2, 2023, or Friday, November 3, 2023.

Kendall Thiemann made multiple requests to have the meeting with Ms. Gomes to be scheduled, for a date and time when Ms. Lisa Raine was available, namely on Tuesday November 7, 2023. This request would have been two (2) business days from the later of the two dates offered, which was Friday November 3, 2023. This request was denied by Ms. Gomes without any meaningful explanation.

However, it is clear from the facts that Kendall Thieman was brought in on Thursday, November 2, 2023, due to Ms. Gomes desire to place Kendall Thiemann on administrative leave. It has never been explained how or why there was any justification requiring the scheduling of a meeting with Kendall Thiemann without the representation of his choice. All requests for an explanation were ignored by Ms. Gomes.

However, it is clear that Ms. Gomes wanted to search Kendall Thiemann's computers for evidence of engaging in union activity. This could have been done through a process that didn't involve forcing a meeting on November 2, 2023.

1.27.2 **On Friday, November 3, 2023, at approximately 2:01 p.m**., W. Bryce Rea, the manager, for the Evergreen School District's IT Systems and Security sent an email addressed only to Jenae Gomes, the subject line was: "KT Investigation"

W. Bryce Rea wrote as follows (bold and italics for emphasis):

> Hi, Jenae. I've completed my investigation of the two devices in Kendall's classroom/possession and ***have not found*** **anything connecting to the emails sent to EHS staff after hours**.
>
> Specifically:
>
> > Neither device appears to have been used after hours in recent weeks there is no record in Chrome history of an alternate Chrome account being used between October 19th and today **There is *nothing* in Chrome history, downloads, or recent documents referring to Higley (HS), Jeremy Calvert, or eastvalleytribune.com.**
>
> If you'd like me to search for any additional terms, please let me know. If not, I'll return these devices to Danny by Monday.

It is clear that as of 2:01 p.m. on Friday November 3, 2023, Janea Gomes was provided notice that there was no digital evidence to support that Kendall Thiemann had engaged in "inappropriate behavior" with respect to the school equipment searched. Ms. Gomes' decide to leave Kendall Thiemann on administrative leave.

1.27.3 **November 3, 2023, at 4:13 p.m., Step-2, Grievance re: New Evaluator, Direct Email from Dr. Fowler to Kendall Thiemann to schedule a Step 2 informal hearing per CBA Article XII, Section 2.**

On November 3, 2023, at 4:13 p.m. Dr. Heather Fowler sent Kendall Thiemann and Lisa Raine an email for the purpose of scheduling the informal Step-2 grievance hearing to address November 1, 2023, written Step-2 Grievance.

On November 3, 2023, Dr. Fowler wrote as follows referring to receiving the Step-2 Grievance from Jenae Gomes:

> "Jenae forwarded me your level 2 grievance for a new evaluato**r**, and the purpose of my email is to schedule the level 2 hearing that I will be conducting."

Dr. Fowler's email provides confirmation that prior to 4:13 p.m. on November 3, 2023. Ms. Gomes had access to Kendall Thiemann's Step-2 grievance. Again, it was within the Step-2 content of the written grievance that Kendall Thiemann had mentioned that during the Step-1 Grievance process with Ms. Thompson he had made a specific references related to safety and integrity issues as to Danny Orrantia.

Kendall Thiemann had specifically referenced the incidents from the fall of 2006 as to Danny Orrantia's reviewing a minor student's texts sent to her from Jeremy Calvert, Danny Orrantia's failure to act, and the subsequent rape, sodomy, and sexual assault of the minor student by Jeremy Calvert.

It is important to note that by November 3, 2023, at 4:41 p.m. three Evergreen Administrators had been informed of very specific facts from the fall of 2006 relating to Danny Orrantia, Tracy Thompson (on October 24, 2023), Jenae Gomes, and Dr. Heather Fowler. The only known documented reporting party to Evergreen School District at that point was Kendall Thiemann.

Currently, there are no known documents in the possession of the Evergreen School District (ESD) on or about November 3, 2023, that contradict the information from the Gilbert Police Department investigation, set out above, as to the actions and/or inaction of Danny Orrantia in the fall of 2006 and/or his other omissions as to the truth later in that school year.

However, currently the only known actions by the ESD that had taken place on or about November 3, 2023, were directed toward Kendall Thiemann, in

that he had been placed on administrative leave and his ESD digital devices had been searched by the ESD IT Systems and Security.

In summary, Kendall Thiemann, the person who reported safety concerns through legitimate union activity to three separate Evergreen School District Representatives through the grievance process, was in a very short period of time (less than 10 days) is the only documented recipient of investigative efforts by the ESD, which were followed up with retaliatory actions, including character assassination, deception, and evaluation results that were a deviation from the past.

However by comparison, it is currently understood that is no documentation in the possession of the ESD where Danny Orrantia was the subject of any investigative efforts relating to the 2006 Arizon events. The ESD, in 2023 through to 2025 made no efforts to secure any police report from the Gilbert Police Department.

The only actions taken or engaged in were against the reporting party in a clear reaction to legitimate union activity.

1.27.4 **Friday November 3, 2023, Lisa Raine's first response:**

On Friday, November 3, 2023, sometime prior to 5:00 p.m. Lisa Raine responded from a different time zone to Dr. Fowler indicating that she was available on November 7, 2023, for a meeting.

On Friday, November 3, 2023, Kendall Thiemann followed up at approximately 5:11 p.m. by sending an email to Dr. Fowler, Lisa Raine, and he included Jenae Gomes, to indicate that there were two meetings that would need to be held on Tuesday, November 7, 2023. The Step-2 informal hearing with Dr. Fowler, Lisa Raine, and Kendall Thiemann, and a second meeting with Jenae Gomes, Lisa Raine, and Kendall, about relating to email or emails and allegations of "inappropriate behavior." From Kendall

Thiemann's efforts the two separate meetings were scheduled to occur at the ASC on Tuesday, November 7, 2023, the first being with Dr. Fowler on the informal Step-2 Grievance hearing and the second meeting being with Ms. Gomes, relating to allegations of "inappropriate behavior" as it related to an "email" or "emails."

1.27.5 **Friday November 3, 2023, Lisa Raine's first response:**

On Friday, November 3, 2023, sometime prior to 5:00 p.m. Lisa Raine responded from a different time zone to Dr. Fowler indicating that she was available on November 7, 2023, for a meeting.

On Friday, November 3, 2023, Kendall Thiemann followed up at approximately 5:11 p.m. by sending an email to Dr. Fowler, Lisa Raine, and he included Jenae Gomes, to indicate that there were two meetings that would need to be held on Tuesday, November 7, 2023. The Step-2 informal hearing with Dr. Fowler, Lisa Raine, and Kendall Thiemann, and a second meeting with Jenae Gomes, Lisa Raine, and Kendall, about relating to email or emails and allegations of "inappropriate behavior."

From Kendall Thiemann's efforts the two separate meetings were scheduled to occur at the ASC on Tuesday, November 7, 2023, the first being with Dr. Fowler on the informal Step-2 Grievance hearing and the second meeting being with Ms. Gomes, relating to allegations of "inappropriate behavior" as it related to an "email" or "emails."

1.27.6 **November 7, 2023, Step-2 informal hearing with Dr. Fowler and *Weingarten* hearing interview of Kendall Thiemann**

On November 7, 2023, Kendall Thiemann, Lisa Raine and Dr. Fowler met at the ASC.

During the meeting Kendall Thiemann raised the facts laid out in the East Valley Articles which quoted the Gilbert Police Reports. Again, the facts relating to the 2006 rape, sodomization, and/or sexual assault of Danny Orrantia's minor student by Jeremy Calvert and the fact that Danny Orrantia was aware of texts sent to his minor student from Jeremy Calvert prior to that student being raped, sodomized, and/or sexually assaulted.

Dr. Fowler completely ignored the concerns and didn't even respond to them.

As it will be set out below this was also reflected Dr. Fowler'sin her written responses to the Step-2 Grievance. There is no evidence that Dr. Fowler took any action to look into the efficacy of any of the facts conveyed to her in the Step-2 Grievance, in person, in follow-up emails . There is no evidence with the above facts relayed which were relayed to Dr. Fowler, that she made any effort relating to following up to ensure the safety of the students at Evergreen School District. At the end of this meeting, Lisa

Raine and Kendall Thiemann remained at the ASC and for their next meeting with Jenae Gomes.

1.27.7 **On November 7, 2023, Jenae Gomes and Danny Orrantia's Investigative Interview: Present: Kendall Thiemann, Lisa Raine, Jenae Gomes, and Danny Orrantia**

On November 7, 2023, Jenae Gomes, and Danny Orrantia engaged in an investigative interview of Kendall Thiemann, with Lisa Raine being present. This occurred immediately after the meeting with Dr. Fowler, in the same location.

At the start of the meeting Jenae Gomes indicated that at the very beginning of the meeting the questions would not be about Kendall Thiemann's grievance, which was the subject of his meeting with Dr. Fowler, which had just come to end moments before Ms. Gomes statement.

The next thing that occurred was Jenae Gomes asked Kendall Thiemann about his October 24, 2023, Step-1 formal conference with Tracy Thompson in the exact same Grievance Dr. Fowler was now presiding over. Jenae Gomes asked specifically about the hard copies of the East Valley Tribune articles from 2006 about Danny Orrantia which were provided to Tracy Thompson. This was immediately after Ms. Gomes had indicated that there would be not questions about Kendall Thiemann's grievance.

Ms. Gomes, then produced hard copies of two emails that were clearly union protected emails. Ms. Gomes began to ask questions about the content of the emails and both Kendall Thiemann and Lisa Raine began to object on the grounds that the emails were clearly union-protected emails.

Ms. Gomes ignored the objections and ask the content questions again and ordered Kendall Thiemann to answer. Kendall Thiemann recognized the two emails as those sent out to him and 79 other union members on October 25, 2023, and October 28, 2023. The emails Ms. Gomes' produced were the two emails described above as being sent by an anonymous union member. The content of the union protected emails addressed a discussion on a vote of *no confidence* and school safety concerns.

After Ms. Gomes ordered him to answer, Kendall Thiemann answered the questions that were asked of him. Ms. Gomes asked specific questions as to whether Kendall Thiemann sent the two emails. Kendall Thiemann was

clear and unequivocable in his answer, he indicated that he not sent the emails. Ms. Raine asked who had provided the union protected emails to the District and Ms. Gomes indicated that a “union member” had provided them.

Ms. Gomes then followed up on Kendall Thiemann’s November 2, 2023, inquiry of her as to whether there were any allegations of criminal conduct. Kendall Thiemann indicated again that he asked in order to potentially contact legal counsel if it was necessary.

Ms. Gomes then circled back to the subject matter of Kendall Thiemann’s Step-1 and Step-2 grievance and asked the question of how the concerns of Danny Orrantia’s Arizona history relate to being a fair evaluator. Kendall Thiemann attempted to answer, and Ms. Gomes’ demeanor changed, and she was aggressive and angry indicating that Kendall Thiemann in his grievances had “disparaged” and “slandered” Danny Orrantia in Kendall Thiemann’s grievances. Ms. Gomes was specific in indicating that Kendall Thiemann’s reference to the article from the East Valley Tribune relating to Danny Orrantia’s failure to act in 2006 was false.

Danny Orrantia then spoke directly to Kendall Thiemann regarding the substance of his pending Step-2 grievance and asked how the circumstances that Kendall Thiemann had “added” to his (Step-1/2) grievance. Danny Orrantia also asked Kendall Thiemann how those actions “speak to my ability to evaluate?”

Kendall Thiemann answered that he believed Danny Orrantia’s past conduct, i.e. his failures to protect a student and then be honest about it, spoke to an inability to conduct himself professionally and that it demonstrated a lack of character as to Danny Orrantia’s integrity.

Danny Orrantia then shifted back to the anonymous emails and indicated he believed Kendall Thiemann had sent the anonymous emails. Kendall Thiemann reiterated that he had not sent the emails. It should be noted that Danny Orrantia never indicated that the information contained in Kendall Thiemann’s grievances or the information in the anonymous email relating to Danny Orrantia’s failures to protect a student were false. In summary, Danny Orrantia didn’t refute it the information from the February 14, 2007 East Valley Article.

Ms. Gomes again started address the about the anonymous union email and how it was arousing negative emotional responses by union members to the principal, Mr. Orrantia.

Ms. Raine began to ask questions about what evidence in any way connected Kendall Thiemann to their concerns about the two union protected emails referring to legitimate union concerns.

Ms. Gomes responded that “IT had it.” Ms. Gomes never communicated that in fact 4 days prior to the investigative interview, W. Bryce Rea, Manager of Evergreen School District’s IT Systems Security had reported that to her that he had searched Kendall Thiemann’s ESD assigned computers and found nothing connecting Kendall Thiemann to union-protected emails. This is just another example of Ms. Gomes’ lack of candor. Further, it is evidence of Ms. Gomes’ inflexibility and lack of objectivity when dealing with those engaging in legitimate union activity, i.e. anti-union animus toward Kendall Thiemann.

Additionally, Ms. Gomes then indicated she believed that there was sufficient evidence to conclude that Kendall Thiemann had sent the anonymous emails and that she would be deciding on appropriate disciplinary measures due to the false/disparaging information in the grievances and the union protected emails. Ms. Gomes referenced at least there being a disciplinary letter related to the matter.

Mr. Thiemann was informed he would remain on administrative leave and he would be notified about Ms. Gomes’ decision and the meeting concluded.

1.27.8 November 7, 2023, Lack of Reasonable Suspicion

It is important to notice that on November 7, 2023, it was revealed that Kendall Thiemann had been put on administrative leave to engage in a search of his devices. However, this was not supported by any known evidence to support a conclusion that "reasonable suspicion" existed that Kendall Thiemann was the anonymous person who sent the October 25, 2023, union protected communication requesting that a vote of *no confidence* be considered and was sent to 79 members in addition to being sent to Kendall Thiemann. In addition to October 25, 2023, email, it was suspected that Kendall Thiemann had sent the October 28, 2023, union protected email, which addressed concerns of safety and again was sent to 79 other union members in addition to Kendall Thiemann. On November 2, 2023, Ms. Gomes had no statements or evidence from credible source that Kendall Thiemann had sent the email.

In summary, there were a total of 79 union other union members who could have sent the anonymous union protected email, but Kendall Thiemann was brought in and put on administrative leave on November 2, 2023, because he had a grievance that included language and information relating to Danny Orrantia failing to act in 2006.

1.28 November 8, 2023: 2nd email from W. Bryce Rea, Manager of Evergreen School District's IT Systems Security to Jenae Gomes regarding no evidence of wrongdoing.

On November 8, 2023, at 10:29 a.m. Jenae Gomes received a second email from W. Bryce Rea, Manager of Evergreen School District**'s** IT Systems Security. The subject line indicated "RE: KT Investigation." Bryce Rea. Mr. Rea's email was addressed only to Ms. Gomes and indicated that as to Kendall Thiemann's last device left to be searched there were (italics for emphasis) **"** *no references to* "Higley", "Calvert", or "eastvalleytribune.com" in Chrome history, recent documents, or downloads.**"**

In summary, again it was verified there was no evidence Kendall Thiemann used any school property for union business for his grievance.

1.29 November 9, 2023: Jenae Gomes issues discipline of a Verbal Warning to Kendall Thiemann on insufficient evidence of being "involved in disparaging conduct" as to an "EHS Administrator."

On November 9, 2023, Jenae Gomes sent an email which related to discipling Kendall Thiemann with an indication that he was receiving a “verbal warning” for “inappropriate behavior” related to being “involved in disparaging conduct” as to an “EHS Administrator.”

Ms. Gomes in the email references the fact that Kendall Thiemann was questioned on November 7, 2023. In the November 9, 2023, email there is no reference to Mr. Rea’s two reports by email. In the November 7, 2023, disciplinary email there is no mention of the fact that the discipline was related to legitimate union activity.

It is important to note that Ms. Gomes’ November 9, 2023, disciplinary notice did not specify what the source of the “inappropriate conduct.” Based upon what occurred in the interview on November 7, 2023, it is impossible to discern what conduct was the source of the discipline, meaning that questions were asked about the content of the anonymous emails and the content of Kendall Thiemann’s pending grievance.

It is also important to note that Ms. Gomes’ decision to impose discipline was made after she had received two (2) notices from W. Bryce Rea, the Manager of Evergreen School District’s IT Systems Security, where Mr. Rea indicated there was ***no evidence of any*** union activity connected to “Higley”, “Calvert”, or “eastvalleytribune.com” on any device related to Kendall Thiemann.

As indicated, Ms. Gomes ***never*** disclosed the results of the IT findings to Lisa Raine or Kendall Thiemann. Kendall Thiemann secured the emails by other means.

This is part of a pattern of omissions and/or deception by Ms. Gomes when she engaged Kendall Thiemann, and this started from the outset of her contact with him or his representative and goes all forward to June 6, 2025. For review as to those that have been referenced at this point as to Ms. Gomes’ deception or omissions prior to November 9, 2023, are drawn from above they are as follows:

- On October 30, 2023, she sent an initial meeting notice on October 30, 2023, and indicated that the meeting was about “an email”;
- On October 31, 2023, Ms. Gomes indicated that the was not about Kendall Thiemann’s grievance, but an email or email(s);
- On November 3, 2023, Ms. Gomes wrote she was aware Kendall Thiemann had no representation until he arrived on November 2, 2023, when in fact she had be informed only that Kendall Thiemann had no representation.
- On November 7, 2023, at the beginning of the interview, Jenae Gomes again said that there would be no references made to Kendall Thiemann’s grievance. The first question Ms. Gomes asked was related to the content of hard copies that Kendall Thiemann had handed to Tracy Thompson during the October 24, 2023, Step-1 Grievance meeting.

- On November 7, 2023, Lisa Raine asked what had occurred with respect to the search of Kendall Thiemann's computer and Jenae Gomes responded that IT had it. However, Jenae Gomes did not disclose that IT had already searched and found nothing in line with the search terms provided.

At this time, there is no known evidence that exists to support any discipline which Ms. Gomes decided to commemorate on November 9, 2023.

Ms. Gomes indicated that Kendall Thiemann had a return date of November 13, 2023.

1.30 **November 13, 2023. Kendall Thiemann Return from Administrative Leave and Kendall Thiemann follows up with Dr. Fowler by email after 11/7/2023 Step 2 informal hearing.**

1.30.1 November 13, 2023, Kendall Thiemann return to work:

On November 13, 2023, Kendall Thiemann returned back to work after 11 days (6 working days) of being on administrative leave.

1.30.2 **November 13, 2023: email to Dr. Fowler regarding the November 7, 2023 meeting with Ms. Gomes**

On November 13, 2023, engaging in legitimate union activity, Kendall Thiemann sent an email to Dr. Fowler from Kendall Thiemann to follow up on the fact that immediately after the Step-2 informal hearing he and Lisa Raine had with Dr. Fowler on November 7, 2023, Lisa Raine and Kendall Thiemann had met with Danny Orrantia and Jenae Gomes.

In the email sent out on November 13, 2023, to Dr. Fowler, Kendall Thiemann explained that in the meeting with Danny Orrantia and Jenae Gomes they had indicated that the facts surrounding the Step-2 grievance which was before Dr. Fowler would not be addressed. Kendall Thiemann indicated to Dr. Fowler in the email that in fact during the November 7, 2023, questioning, "Many of the core questions asked by Ms. Gomes, and then by Mr. Orrantia surrounded" Kendall Thiemann's Step-2 "grievance."

Kendall Thiemann wrote as follows:

> "Although, I repeatedly raised the fact that I was informed that the subject of my being interviewed was supposed to be unrelated to my grievances."

Further, Kendall Thiemann indicated in the email that:

> "Ms. Gomes directed me to answer the questions" and that the questions were specifically related to my concerns about Mr. Orrantia's 2006 -2007 omissions and failures to act "in Arizona."

Kendall Thiemann specified that Ms. Gomes:

> "asked about my grievance relating to my request for a different evaluator" as it related to the "Arizona incidents."

and

> "Ms. Gomes made reference to content from my grievance and the take away was that it was "disparaging" and "defamatory". This left me with the clear belief that Ms. Gomes was indicating that information in my grievance was not accurate. In short, the point here is that at the interview it is clear that it was being indicated through statements and questions being put to me about my grievance, that I had relied upon **false information** and/or had been disparaging in my grievance. To my knowledge this not accurate."

Kendall Thiemann reiterated to Dr. Fowler that the facts he relied upon were the result of vetting the source material as best as he could. Kendall Thiemann provided information as to Jeremy Calvert's indicating that it was "Maricopa County Superior Court at Case number CR 2007-101820."

Kendall Thiemann informed Dr. Fowler that Jeremy Calvert was found "guilty of two counts of a sex offense charges" and that the relevant Gilbert Police report could be located at "***Gilbert PD Case #07000000131***."

After providing all of the above facts to Dr. Fowler to consider what occurred on November 7. 2023, Kendall Thiemann indicated that Danny Orrantia had interjected a question to ask Kendall Thiemann how Mr. Orrantia's conduct in Arizona was related to his ability to be Kendall Thiemann's evaluator. Kendall Thiemann described Mr. Orrantia's demeanor when he asked Mr. Thiemann the abov

e question as being "visibly frustrated." Kendall Thiemann raised concerns about Mr. Orrantia's demeanor and statements relating to the substance of Step-2 grievance and asked Dr. Fowler how Mr. Orrantia could be "an objective evaluator" where Mr. Thiemann was concerned.

1.31 **November 14, 2023, Dr. Fowler's Step 2 response to the Kendall Thiemann's Step 2 Grievance re: Denial of a New Evaluator per CBA per CBA Article III section F, subsection 4 I for a new evaluator.**

On November 14, 2023, Dr. Fowler sent Kendall Thiemann an email with an attached .pdf. The .pdf was the written response to Kendall Thiemann's written Step-2 grievance, informal hearing and November 13, 2023, email referenced the section immediately above.

Dr. Fowler completely ignored all the concerns and facts raised relating to the Danny Orrantia's lack of action after being notified in the fall of 2006 about Jeremy Calvert's texts to a minor female student asking for a date and the subsequent rape, sodomization, and/or sexual assault by Jeremy Calvert of the minor female student.

For the sake of clarity, by indicating that Dr. Fowler completely "ignored" these concerns she didn't write anything in the written response or any email at any time even acknowledging that this had been raised. Dr. Fowler was the first person in the Evergreen School District to be provided with the Maricopa County Superior Court Case number, CR 2007-101820, and the Gilbert Police Department Report #07000000131.

There is no known record that Dr. Fowler made any effort to contact the Maricopa County Superior Court to secure information regarding CR 2007-101820. There is no known record that Dr. Fowler made any effort to contact the Gilbert Police Department to inquire about or secure a copy of Gilbert Police Department Report #07000000131. There is no evidence Dr. Fowler made any efforts as to the concerns raised for the safety and benefit of the students of Evergreen School District as to the topic/ concern raised by Kendall Thiemann.

1.32 **The week of November 13, 2023: Labor Relations Meeting**

Between November 7, 2023, and November 17, 2023. it is understood that Lisa Raine and Jenae Gomes interacted at a labor relations meeting (understood to be the week of November 13, 2023). At the meeting it is understood that Ms. Raine reviewed the fact there was a lack of evidence to support any disciplinary action. It is understood that this was to be commemorated in writing.

On November 17, 2023, Jenae Gomes sent an email to Lisa Raine and Kendall Thiemann. The email was identical to the email sent on November 9, 2023, commemorating the action of disciplining Kendall Thiemann. The only noticeable difference was the words “verbal warning” were removed and there was one additional sentence.

This additional sentence read as follows:

> “In discussion with Lisa Raine during labor relations earlier this week, I am sending you this revised communication from my initial email.”

The November 17, 2023, email didn’t clearly state to the reader what had occurred during the conversation. When Lisa Raine was contacted, she agreed that Ms. Gomes’ November 17, 2023, email was unclear. The November 17, 2023, email didn’t indicate or verify if there had been a change as to the decision to discipline. There was no clear language that indicated if the new email vacated the discipline due to insufficient evidence. From the standpoint of clarity as to a written record, the two emails still maintained that Ms. Gomes was determining in writing that at some level Kendall Thiemann was involved in “inappropriate conduct” of “disparaging an EHS administrator”. Even with a second opportunity to clarify what the act(s) were which Ms. Gomes believed or supported a conclusion or determination that “inappropriate conduct” had occurred, Ms. Gomes failed to delineate the actions in the second email.

In the entry above as to November 9, 2023, there are five examples of Ms. Gomes omissions or dishonesty from October 30, 2023, until November 9, 2023. On November 17, 2023, Kendall Thiemann was aware of four (4) of the five (5) of these acts. Given, Ms. Gomes pattern of omissions and/or dishonesty Kendall Thiemann engaged in requesting written clarification as to what Ms. Gomes had decided to do relating after her meeting with Lisa Raine. To be clear, Kendall Thiemann was not present for the meeting between Lisa Raine and Jenae Gomes “during labor relations”.

Additionally, on November 17, 2023, Kendall Thiemann was greatly concerned about the actions of Ms. Gomes regarding him and the fact that Ms. Gomes had relied upon, at least in part, union-protected emails to place him on administrative leave.

Specifically, the fact that regardless of <u>whoever</u> sent the anonymous emails to Kendall Thiemann and 79 other union members on October 25, 2023 and/or October 28, 2023, the content of the emails was ***<u>not</u>*** disparaging, nor was it defamatory. As indicated, the first union-protected email (sent out on October 25, 2023) merely raised the topic of whether a vote of no confidence should be

considered by fellow union members due to what appeared to be an attempt to shift blame on the Vancouver Police Department for communication issues with respect to the October 19, 2023, shooting at Evergreen High School.

The second email referenced a story from the East Valley Tribune, with the title "girl: sex case alerts ignored." The question posed in the email was considering the facts set out in the East Vally Tribune article and what had just occurred with respect to shooting at Evergreen High School on October 19, 2023, and the failures as to communication, could "EHS afford a third event?"

Kendall Thiemann was aware that his fellow union members were critical of Superintendent Boyd and the EHS Principal Danny Orrantia's actions on October 19, 2023, on the general topic of safety and communication. On November 17, 2023, Kendall Thiemann was also aware that the questions posed by the anonymous union member were legitimate questions for any union member to ask of his/her fellow members to initiate a discussion on the topic.

Therefore, Kendall Thiemann, after Ms. Gomes email on November 17, 2023, became very concerned by the actions of Jenae Gomes over all as to union activity. Principally, placing Kendall Thiemann on administrative leave for citing to facts in his grievance that originated from a police report in a criminal investigation of felony sex offenses committed by Jeremy Calvert, should not be reason for placement on administrative leave. In the alternative, although Kendall Thiemann didn't send the October 25, 2023 and/or the October 28 ,2023, anonymous emails their content was related to legitimate union business.

Specifically, the fact that Jenae Gomes referenced the contents off the email and categorized them in either situation as being "defamatory", "slander" and "disparaging" was also troubling. However, Jenae Gomes by asserting these conclusions, with no contrary reliable factual basis or being in possession of any competent investigation, was in summary indicating that that somehow the police in Gilbert Arizona were dishonest.

In short Ms. Gomes' position was tantamount to a statement that Veronica Butler's reports were inaccurate and/or that the recorded statements of the minor victim, Jeremy Calvert and /or the Principal of Higley High School were dishonest. Kendall Thiemann had relied upon the facts and/or from material reliably sourced from them.

Kendall Thiemann had never been informed by Jenae Gomes of any reliable source upon which she could challenge police reports of a sex offense.

For the above reasons, and the continued concern for the general safety of those at Evergreen High School and to avoid issue of misrepresentation of the record in the future, Kendall Thiemann followed up with Jenae Gomes and Superintendent John Boyd from November 20, 2023, through December 6, 2023, to seek clarification on how or if she had vacated his discipline.

1.33 **November 20, 2023, Email seeking confirmation that the Discipline of Verbal Warning had been vacated:**

On November 20, 2023, Kendall Thiemann sent an email to Jenae Gomes with a two cell table. On the left-side column of the table Kendall Thieman inserted the November 9, 2023 email Ms. Gomes had sent to Lisa Raine and Kendall Thiemann indicating that Kendall Thiemann was receiving a "verbal warning." The right-side column Kendall Thiemann placed the November 17, 2023, email which removed the word "verbal warning" with no explanation as to what the significance or basis was relating to the removal of the words or what facts in the accusations related to why the words were removed.

The table allowed for Ms. Gomes to look at her two email side by side and the question was asked of her in summary what was the reason for her action of removing the words "verbal warning." As of November 27, 2023, Ms. Gomes had not responded to this email

1.34 **On November 27, 2023: Step-1 Censorship Grievance / Vacationj of Discipline of Verbal Warning.**

On November 27, 2023, given a week had passed since Kendall Thiemann's last inquiry and the discipline was imposed or reduced to writing on November 9, 2023, in line with the CBA the clock was running on the ability to challenge any discipline imposed upon Kendall Thiemann. Therefore, Kendall Thiemann prepared a Step-1 grievance. As a result of the time factor Kendall Thiemann prepared and served a Step-1 grievance upon Ms. Gomes and included Superintendent John Boyd.

The grievance related to two concerns, one contesting any disciplinary action that resulted upon him because of whatever it was that Ms. Gomes was asserting comprised of "inappropriate conduct" alleging that Kendall Thiemann had engaged in "disparaging an EHS administrator." This was due to the fact that Ms. Gomes was not responding to the requests for clarification on this point from Mr. Thiemann.

Additionally, on November 27, 2023, Kendall Thiemann provided a Step-1 grievance on the appropriate form detailing violations of four sections of the CBA. Specifically, one of the four sections Kendall Thiemann alleged that there had been a violation of Article II of the CBA, regarding freedom from censorship. Specifically,

this was related to Kendall Thiemann's concerns relating to Jenae Gomes unfounded accusation that Kendall Thiemann had engaged in "disparaging" an ESD administrator.

Further, Kendall highlighted how Jenae Gomes had used union-protected communications as part of the basis of her decision to discipline and/or place Kendall Thiemann on administrative leave. This was due to the fact that although Kendall Thiemann was not the anonymous person who sent the emails, Ms. Gomes had relied upon the content of the emails as though Kendall had sent them as part of her decisions to discipline and/or place him on administrative leave.

In the Step-1 grievance Kendall Thiemann indicated that when engaging in a specific look at the content of those emails, they contained no "disparaging" through the use of "defamatory" content and, but on the contrary, they contained legitimate union-protected speech. Kendall Thiemann painstakingly walked through the concept/definitions of "disparage" through "defamation", In short that that at the core the person distributing information, the publisher, must know (reasonable should know) the information is false, it is indeed false, and through the use of false information the publisher is attempting to reduce the reputation/ status of the person who is the subject of the false information.

The Step-1 grievance had an attachment, "Attachment A" and on the third page of Attachment A, Mr. Thiemann wrote as follows:

> "It is clear that I took care in my grievances to reference only the content that was contained in the articles. The articles I reviewed contained reporting on the subject matter that is (known to be) a part of public records, court records in Maricopa County, and/or police records.
>
> The case referenced in the articles can be located in Maricopa County Superior Court Case number CR 2007-101820. The case was open for over a year. The court records support the facts in the articles relating to the investigation and conviction of the person Mr. Orrantia supervised. The police report related to the matter is Gilbert PD Case# 07000000131. The facts and content in my grievances reference my concerns as to the facts in the articles relating to Mr. Orrantia, and are supported by public records."

Kendall Thiemann, in the Step-1 grievance also made that the anonymous person referred to a news article which relied upon source from the Gilbert Police. In the November 27, 2023, Step-1 grievance Kendall Thiemann requested of Ms. Gomes and/or Superintendent Boyd, that contradicted the articles/ police reports, etc. and wrote as follows:

> "These facts are true as far as can be determined. I looked and could not locate any articles indicating any facts to the contrary. No one at the ESD or in the Union has provided any facts that indicate that what I referenced in my grievance about the 2006-2007 Arizona matter is untrue. Specifically, at our meeting neither Ms. Gomes nor Mr. Orrantia contested the facts from the articles.
> ***If there is any information in the articles that is not accurate it would be helpful if it were provided. If no contrary facts are provided as to the things set out in the articles it is reasonable to conclude there are no contrary facts.*** However, as of today I have nothing to indicate that the articles contained anything but accurate information. In summary, in my grievance I voiced concerns from facts that are true and I made no attempt to belittle Mr. Orrantia or reduce Mr. Orrantia's stature. ***If this has occurred in relation to the articles this reduction occurred in 2007."***

On the fourth and fifth page of Attachment A of November 27, 2023, Step-1 Grievance, Kendall Thiemann applies the same analysis as to the content of the two anonymous emails and comes to the same conclusion, i.e. whoever wrote them relied upon true statements and did not engage in defamatory statements and did not attempt to reduce Mr. Orrantia's stature from its current state.

From November 27, 2023, until the service of the Notice of Tort Claim No administrator at Evergreen School District has responded to the request made by Kendall Thiemann set out above in italics and bold and set out again below:

> "If there is any information in the articles that is not accurate it would be helpful if it were provided. If no contrary facts are provided as to the things set out in the articles it is reasonable to conclude there are no contrary facts."

It is important to note that on March 18, 2025, approximately sixteen months after Kendall Thiemann made this request of Jenae Gomes and (fmr.) Superintendent John Boyd, for any information, ESD Superintendent Moloney provided facts to a anonymous person, many members of the press, the members of the ESD School Board, and a few others.

To be clear this information was not provided to Kendall Thiemann or anyone from the union (WEA/EEA.) Additionally, the facts provided by Dr. Moloney had no referenced sources. Further, the ESD confirmed in late April and May of 2025 that it has no reports in their possession relating to Danny Orrantia that were referenced by Dr. Moloney. In short, again, no ESD administrator has ever provided any documentation to refute the information cited sourced from Gilbert Police reports.

1.35 **November 28, 2023: Response to Step-1 Censorship Grievance / Discipline of Verbal Warning.**

On November 28, 2023, Ms. Gomes responded to Kendall Thiemann and cc'd Lisa Raine and Superintendent John Boyd. Ms. Gomes indicated that she had not been responding to Mr. Thiemann because she had been "out of the office."

Ms. Gomes acknowledged receipt of the emails and confirmed she had read the content. Ms. Gomes confirmed that the "verbal warning" had been removed. Ms. Gomes never responded to the "Censorship" section of the grievance. Ms. Gomes never responded Kendall Thiemann's request for "any information" to to demonstrate that the information contained in the articles was "not accurate."

Ms. Gomes indicated to Mr. Thiemann and Ms. Raine that as she had confirmed the fact that the discipline had been vacated the matter was closed. In summary, Ms. Gomes, indicated that she had no intention of responding to the "Censorship" portion of the grievance.

1.36 **November 28, 2023, to December 6, 2023: Follow up on Step-1 Censorship Grievance.**

Between November 28, 2023, until December 6, 2023, Kendall Thiemann wrote to Ms. Gomes requesting that she address his "censorship" portion of the grievance. Ms. Gomes never responded to this portion of the grievance. Mr. Thiemann made the decision based upon Ms. Gomes prior actions in late October of 2023 and early November 2023 to move forward and leave the "censorship" section of the grievance alone.

1.37 **December 4, 2023**

It is understood that between November 7 2023 and December 4, 2023, Jenae Gomes stated to Lisa Raine, Kendall Thiemann's EEA/WEA representative that the following had occurred:

- That Ms. Gomes had revised the January 17, 2023, email and removed the "verbal warning" language with the intent of communicating that the discipline had been vacated;
- That no discipline has been placed in your file;
- That the conclusion of the ESD in their investigation of Kendall Thiemann relating to his grievance and/or the union protected emails was not to impose discipline, and that Kendall Thiemann would be able to respond to any perspective employer that you have never been disciplined and that

- Lisa Raine was to communicate these things to Kendall Thiemann in order to move forward from the grievance process.

It is important to note that on June 6, 2025, Kendall Thiemann received records from his personnel file, and contained within his personnel file was the November 9, 2023, email imposing discipline.

Unfortunately, this is just more evidence of Ms. Gomes' lack of honesty and/or credibility. Additionally, it is an example of her efforts to engage in a pattern of tactics akin to *character assassination* as to Kendall Thiemann. Additionally, it appears that Ms. Gomes not only has been dishonest with Kendall Thiemann, and Lisa Raine, but she created an official record as a public officer in her email sent out on November 28, 2023, where she summarily dismissed Kendall Thiemann's November 27, 2023, grievance indicating that the matter had been resolved.

At the core of the grievance was the fact that Kendall Thiemann was seeking to move forward to address the discipline of a verbal warning. Ms. Gomes sent out an email on November 28, 2023, indicating to Kendall Thiemann, the Evergreen School District Superintendent John Boyd, and Lisa Raine, that the discipline had been withdrawn and therefore the grievance was resolved.

Given the fact that the discipline is still contained within Kendall Thiemann's file this was a false statement and an act in which appears to be in violation of RCW 40.16.020. This statute provides in relevant part that:

> "every officer who shall falsify any record appertaining to the officer's office …is guilty of a class B felony and shall be punished by imprisonment in a state correctional facility for not more than ten years, or by a fine of not more than five thousand dollars, or by both."

It would appear that Ms. Gomes actions in 2023 met the definition of officer under RCW 40.16.020. Emails have been found by the Washington State Supreme court to meeting the requirement or definition of a "record" under the statute. (See *In re Hatcher*, 196 Wash.2d 797, 824, 478 P.3d 1077, (January 14, 2021))

1.38 **In March of 2023, Danny Orrantia's sought a promotion.**

On March1, 2024, Danny Orrantia sent an email directly to Superintendent John Boyd applying for the position of Senior Director of K-12 Schools. Mr. Orrantia in his email does reference his beliefs as to why he should be promoted regarding it being a next step. Mr. Orrantia doesn't reference any thing he has learned from his past challenges regarding the safety issues that occurred during the school shooting on October 19, 2023 or his past challenges from his inaction in 2006.

1.39 **May 31, 2024, Kendall Thiemann's rebuttal to receiving his first ever "Unsatisfactory" in a category and over rating of Basic from an evaluator, here Danny Orrantia**

On May 31, 2024, Kendall Thiemann raised his concerns directly to Danny Orrantia regarding Danny Orrantia's ability to be objective as an evaluator. Kendall Thiemann provided Mr. Orrantia with a document entitled:
Preamble Regarding the Entire 2023-2024 eVAL Process, and addressed concerns related to Mr. Orrantia bias and/or lack of objectivity. Kendall Thiemann wrote the following:

> "During the November 7, 2023, questioning by Ms. Gomes, she specifically asked about my Grievance relating to my request for a different evaluator and concerns raised regarding Mr. Orrantia's (2006-2007) Gilbert High School, Arizona incidents relating to his employment in that location. Ms. Gomes made reference to content from my Grievance indicating that the takeaway was that it was "disparaging" and "defamatory."
>
> This left me with the clear belief that Ms. Gomes was indicating that information in my Grievance was not accurate. In short, it was clear that during the interview it was being indicated through statements and questions being submitted to me regarding my Grievance, that I had somehow relied upon false information and/or had been disparaging in my Grievance. This is not accurate.
>
> The facts I relied upon in my Grievance were the result of looking not just at source material from articles, but at court records and through other government records. The case referenced in the articles I provided is located in the Maricopa County Superior Court at Case number CR 2007-101820. The court records support all of the facts in the articles relating to the person.
>
> Mr. Orrantia had apparently supervised a subordinate being found guilty of two counts of sex offense charges where a student was the victim. The police report related to the matter is Gilbert PD Case #0700000013. My

concerns relating to Mr. Orrantia's supervision and his apparent reluctance to cooperate with the law enforcement investigators or investigation."

Kendall Thiemann went on to indicate that on November 7, 2023, that Mr. Orrantia had been "visibly irritated/aggravated irritated, when he asked Kendall Thiemann how the above referenced events in Arizona would impact Mr. Orrantia's ability to evaluate Mr. Thiemann. Mr. Thiemann again pointed out in the *Preamble Regarding the Entire 2023-2024 eVAL Process*, that given Mr. Orrantia's belief that Kendall Thiemann was the anonymous person, Mr. Orrantia's demeanor at the time, and that Kendall Thiemann had also written his concerns in his grievance about the events in Arizona, it was not possible for Mr. Orrantia to be objective in evaluating him.

Mr. Orrantia ignored Mr. Thiemann's concerns. Mr. Orrantia provided Mr. Thiemann with scores of "unsatisfactory", the first time this had happened in the decade and a half of Mr. Thiemann's teaching career. The overall score was basic, again the first time this had happened in Mr. Thiemann's teaching career.

It is understood that Mr. Orrantia was not promoted to this position.

1.40 **June 2024: Evergreen Superintendent John Boyd retires**

In June of 2024, Evergreen Superintendent John Boyd retired. During the summer of 2024 Christine Moloney was hired as interim Superintendent for the Evergreen School District.

1.41 **September 11-12 2024, IEP uploading status email and request for a new evaluator.**

1.41.1 On September 12, 2024, Evergreen High School Assistant Principal Andrea Wooster provided notice by email to nine (9) Evergreen High School special education teachers that she was attempting to put IEP's onto Skyward from a database which has limited access which is accessible only to special education teachers. Ms. Wooster indicated she had only gotten to down to "H" in the alphabet. Ms. Wooster indicated that her first priority was "Student behavior/ safety situations."

On September 12, 2024, Ms. Wooster asked the nine (9) special education teachers for assistance in that process. It is important to note that Student X's last name is after the letter "h" in the alphabet moving toward z. Ms. Wooster asked for any help the others could provide. Kendall Thiemann is not a Special Education teacher and only has direct access to IEP's from Skyward. Michael Bowersox was one of the special educators who received this email on September 12, 2024. I

In response to Kendall Thiemann's concerns to Student X, neither Mr. Bowersox nor Ms. Wooster ever indicated to Kendall Thiemann that Student X's IEP was not available on Skyward on or before December 13, 2024. This was information that Kendall Thiemann was unaware of until the Spring of 2025. It would appear that neither Ms. Wooster or Mr. Bowersox were attempting to empower Kendall Thiemann to succeed with this Student X. Failing to provide this type of information to Mr. Thiemann does not appear to align with the goal of providing information to a fellow educator who is on the same team, i.e. trying to the best for Student X, all students and faculty.

1.41.2 September 11-12, 2024: Written request per CBA Article III section F sub 4 I for a new evaluator:

On September 11, 2024, in two separate emails, at the beginning of the 2024-2025 school year, Mr. Thiemann, engaging in legitimate union activity, made a formal request for an evaluator that was not Mr. Orrantia. Mr. Thiemann provided information as to Mr. Orrantia's past conduct and demeanor which would impact his objectivity, asserting that Mr. Orrantia was biased.

Included with this email were attachments. One of the attachments was the *Preamble Regarding the Entire 2023-2024 eVAL Process*. This is the document to which, at the close of the 2023-2024 school year, Mr. Orrantia never responded to regarding the concerns about his conduct in Arizona in 2006.

Mr. Thiemann provided the new request for a new evaluator to Ms. Gomes, to the interim Superintendent, Dr. Moloney, Tracy Thompson, Dr. Heather Fowler, Danny Orrantia and Kristy Peak. Again, within the content of the documents provided to all of those listed immediately above was the following information:

- Jeremy Calvert was found guilty of two sex offenses where a minor student of Danny Orrantia's was the victim.
- Jeremy Calvert's Maricopa County Superior Court at Case number as to these two sex offense convictions was CR 2007-101820.
- The Gilbert police report related to the investigation of Jeremy Calvert's rape, sodomy and/or sex assault allegations is ***Gilbert PD Case #0700000013.*** Further, that this investigation is the source of the news reports relating to Danny Orrantia being aware of the minor student receiving text messages where Jeremy Calvert is asking to "go out" as in go out on a date and that Danny failed to act on the text messages by leaving Jeremy Calvert in proximity to minor female students.

1.42 **September 13, 2024:**

1. Meeting scheduled by Danny Orrantia regarding IEP Student and concern for classroom safety and,

2. Confirmation by Tracy Thompson that she was the assigned immediate supervisor with respect to the request for a new evaluator.

1.42.1 **September 13, 2024: Meeting regarding IEP/ Safety in the Classroom:**

On September 13, 2024, Mr. Orrantia had a meeting with Kendall Thiemann to address Kendall Thiemann's concerns as to safety in his classroom related to an incident with a student (hereinafter identified as Student X) on September 9, 2024. and Kim Zwerline was present for the meeting as Kendall Thiemann's representative.

Student X had an Individual Education Plan (IEP). Mr. Orrantia indicated he had read the IEP and had interviewed the student. The IEP has a description of approximately 18 behaviors or affects exhibited by the student that are of concern. The IEP has a Emergency Response Plan which calls for 2-3 staff for a room Clearing when/if Student X acts out.

Kendall Thiemann described the September 9, 2024, classroom incident, in detail to Danny Orrantia. Kendall Thiemann reiterated that the student had exhibited, taking a fighting stance, Danny Orrantia minimized Mr. Thiemann's concerns and indicated that Mr. Thiemann needed to closely review the student in questions IEP and repeatedly told Kendall Thiemann needed to "ignore his fear."

However, when Kendall Thiemann during the meeting, described 6 or the18 behaviors he had already experienced from interacting with the student, Danny Orrantia had no recognition of these behaviors as being associated with the content of the content of the IEP. Kendall Thiemann was asked if he had read the IEP and he indicated he couldn't find it on Skyward. This should have made sense to Danny Orrantia given that his Assistant Principal Ms. Wooster was only up to "H" on transferring IEP's to Skyward and Student X's name came after "H" in the alphabet. Danny Orrantia's reaction was to scold Kendall Thiemann for not having had read the IEP. This being just another example of Danny Orrantia's lack of objectivity when issues were raised by Kendall Thiemann. This issue however, was not just an issue that could result in harm to Kendall Thiemann, but to other educators and to other students.

It would appear that Mr. Orrantia was not attempting to empower Kendall Thiemann to succeed with this Student X. Failing to provide this type of information to Mr. Thiemann, i.e. that Student X's IEP was not accessible to him because it had not yet been uploaded to Skyward does not appear to align with the goal of providing information to a fellow educator who is on the same team, i.e. trying to do the best for Student X, all students and faculty. Again, it also isn't promoting safety.

After having the description of the behaviors provided to him and indicating he had read the IEP, Danny Orrantia's response to Kendall Thiemann was that the student represented "**zero reasons for a safety threat."** The fact that ERP's with 2-3 room are a rare occurrence for a student in general education it is baffling how Danny Orrantia came to make the statement relating to there being "**zero reason for a safety threat**."

1.42.2 **September 13, 2024: Confirmation by Tracy Thompson by email that Ms. Thompson would be the assigned immediate supervisor for purposes of the request for a new evaluator:**

On September 13, 2024, Tracy Thompson sent Kendall Thiemann, an email where Jenae Gomes was cc'd, indicating that Ms. Thompson would be handling his written request for a new evaluator. Mr. Thiemann responded on the same day and indicated he would be providing Ms. Thompson with an addendum to his original written request for a new evaluator.

1.43 **September 16, 2024: Kendall Thiemann provided Tracy Thompson an Addendum to the request for a new evaluator.**

On September 16, 2024, Kendall Thiemann provided an addendum to his original request for a new evaluator to Ms. Thompson. This addendum dealt with new facts that had occurred after Mr. Thiemann had sent out his September 11, 2024, request for a new evaluator.

In summary, Kendall Thiemann addressed Mr. Orrantia's *gas lighting* relating to the purpose of the meeting that occurred on September 12, 2024, which Mr. Orrantia scheduled for September 5, 2024, at 8:57 by email. The subject line "Subject**:** Thiemann Eval Meeting." On September 5, 2024, Danny Orrantia wrote Kendall Thiemann that the meeting was for the following purpose: "to sit down and talk about your evaluation for this 24/25 school year." Mr. Orrantia also indicated to Kendall Thiemann that he could "have an EEA rep if you'd like."

On September 11, 2024, Mr. Thiemann sent out a written request for a new evaluator. Mr. Thiemann followed up by requesting that the meeting set for September 12, 2024, be re-scheduled to allow for his request to be considered. On September 12, 2024, at 8:07 a.m., Mr. Orrantia ordered Kendall Thiemann to appear for the meeting. Kendall Thiemann and Kristy Peak appeared at the meeting for the 10:50 a.m. meeting, which was scheduled during Kendall Thiemann's preparation period. Upon arriving Mr. Orrantia immediately asked Kendall Thiemann why he had not brought his work laptop. Ms. Peak and Mr. Thiemann were then informed of the actual purpose which was to pursuant to the CBA to work on a mutually agreed upon plan. Kendall Thiemann had to leave and go back to his classroom to pick up a laptop.

Ms. Peak and Mr. Thiemann had arrived because Danny Orrantia had written that the purpose of the meeting was to "talk about "Kendall Thiemann's evaluation for the 2024-2025 year.

During the meeting it became very clear to Kendall Thiemann and Ms. Peak that Danny Orrantia was addressing topics and criteria he had prepared in advance of the meeting.

On September 11, 2024, through the entire grievance process at Step-1 the information below was unknown to both Kendall Thiemann and Ms. Peak, and this information below was never disclosed by Tracy Thompson, Danny Orrantia, or any ESD administrator was the following:

- On September 4, 2024, Tracy Thompson, the Evergreen School District Senior Director Human Resources and Danny Orrantia had a meeting relating to Kendall Thiemann.

- On September 5, 2024, at 8:50 a.m. Ms. Thompson sent Danny Orrantia an email commemorating what they had discussed in the meeting on September 4, 2024. The beginning of the email started as follows (note: Kendall Thiemann is referred to as "KT.")
- Ms. Thompson's email contained a list of items that were provided to Danny Orrantia relating to the subject matter to be discussed and reviewed with Kendall Thiemann 7 days before the September 12, 2024 meeting occurred.
- Ms. Thompson included in the email a section of the CBA where it indicates that "The evaluator and the employee shall attempt to develop a ***mutually agreeable*** written plan…"

In summary, on September 4, 2024, Ms. Thompson had a meeting with Mr. Orrantia developing a plan as an "evaluator" and then on September 5, 2024, provided reduced the items into a written format.

On September 5, 2024, Danny Orrantia knowing what the purpose of the meeting was to be on September 12, 2024, did not disclose that the purpose of the meeting was to address Article III section F (8) of the CBA. On September 11, 2024, provided notice of his request for a new evaluator. Part of the content being that he was concerned about the issue of integrity and safety regarding Danny Orrantia.

On September 12, 2024, having been provided by Kendall Thiemann these above concerns the day before orders Kendall Thiemann to appear for the meeting relating to Article III Section F(8) of the CBA, where Danny Orrantia is going to engage in developing a "mutually agreeable written plan" with Kendall Thiemann, and Danny Orrantia still provides no notice of the real purpose of the meeting.

On September 16, 2024, Ms. Thompson was made aware of these facts in the Addendum. Ms. Thompson provided no information to Kendall Thiemann or Ms. Peak in fact that she was aware of the purpose of the September 12, 2024, meeting on September 4, 2024, and she was the architect of the "plan." Further, in Mr. Thiemann's written requests of September 11, 2024, and the addendum on September 16, 2024, Mr. Thiemann explained clearly that in order to comply with the intent of the CBA language to formulate a "mutually agreeable plan" scheduling a meeting and not providing the purpose or proposed language for a "plan" is tantamount to engaging in bad faith actions.

In addition to not disclosing that Ms. Thompson was the architect of Mr. Orrantia's written plan, Ms. Thompson on September 26, 2024, saw no issues with Danny Orrantia gaslighting Kendall Thiemann and Ms. Peak as to the purpose of the September 12, 2024, meeting.

It is clear that this action along with others is an example of Ms. Thompson and Mr. Orrantia's anti-union animus and retaliation as against Kendall Thiemann engaging in legitimate union activity.

From September 11, 2024, until December of 2024, there were two separate CBA based grievances filed by Kendall Thieman. One was related to the denial of his request for a new evaluator, which had related safety issues, and the other was related to the failure to comply with the CBA relating to providing access to Individual Education Plans (IEP.) These two grievances are set out below in a chronological order grouped into each grievance.

1.44 **IEP Safety Grievance Step-1 through Step 2: September 9, 2024, to November 25, 2024:**

1.44.1 **Background to the filing of the Step-1 IEP/Safety Grievance:**

At training at the beginning of the school year that Kendall Thiemann attended, the staff at Evergreen High School were informed that access to IEP would be through the grading platform/ database Skyward.

The Skyward database contains information relating to graduation status, discipline information status, critical alerts for health, special populations information, family history and contact information. The training Evergreen High School Training engaged in at the beginning of the school year was geared toward showing teachers how they would access IEP's through Skyward. At the beginning of the school year it was clear to many teachers that the referenced Individual Education Plan (IEP) that were supposed to be located within the Skyward Database were not yet within the database.

The CBA has no stand-alone definition of what comprises the contents of an IEP. It is important to indicate that the Washington Administrative Code (WAC) already defines what constitutes the contents of an IEP and therefore it is unnecessary for the language to be contained withing the CBA. An IEP is in part defined, and what individual educators/ employees must constitute the IEP teams is set out in WAC 392-172A-03090(1)(a-d), and as to and IEP with a behavioral intervention plan (BIP) at WAC 392-172A-03090(1)(h). Additionally, as to an IEP which contains a Emergency response protocol, (ERP) this will be included per WAC 392-172A-03090(1)(i).

WAC 392-172A-03090(1)(h) and WAC 392-172A-03090(1)(i) are set out below.

> (1) The term IEP means a written statement for each student eligible for special education services that is developed, reviewed,

and revised in a meeting in accordance with WAC **392-172A-03095** through **392-172A-03100**, and **that must include**:

(h)Behavioral intervention plan, if determined necessary by the IEP team for the student to receive FAPE.

(i) Emergency response protocols, if determined necessary by the IEP team for the student to receive FAPE, and the parent provides consent, as defined in WAC 392-172A-01040.

WAC 392-172A-03090(1)(a-d), specifically requires the following for what constitutes an acceptable IEP team:.

(1) School districts must ensure that the IEP team for each student eligible for special education services includes:
(a) The parents of the student.
(b) Not less than one general education teacher of the student if the student is, or may be, participating in the general education environment.
(c) Not less than one special education teacher of the student, or where appropriate, not less than one special education provider of the student.
(d) A representative of the public agency who:

(i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of students eligible for special education services;
(ii) Is knowledgeable about the general education curriculum; and

Article VIII Section C of the CBA requires the following:

The District shall make every effort to evenly distribute students with special needs equitably across grade level and class sections. A procedure **will** be established that when a student is placed in a classroom, the **teacher shall** be provided **access** to any **IEP**, 504, **behavior plan**, **safety plan** and/or WELPA Score for the respective student.

1.44.2 **September 9, 2024 incident and emails regarding Student X.**

On September 9, 2024, Kendall Thiemann contacted the assigned case manager/ special education educator relating to Student X on an IEP with respect to safety concerns about that student, due to the student engaging in verbally abusive language and at the same time taking a fighting stance with Kendall Thiemann during a tense exchange.

Mr. Thiemann made requests of the case manager relating to the student. The incident with Student X occurred on or about September 9, 2024. Danny Orrantia was not included in the email to the case manager. On or about September 10, 2024, Danny Orrantia invited Kendall Thiemann to a meeting relating to the student which was to occur on September 13, 2024.

On September 12, 2024, Evergreen High School Assistant Principal Andrea Wooster provided notice by email to nine (9) Evergreen High School special education teachers that she was attempting to put IEP's onto Skyward from a database which has limited access but had only gotten to down to "H" in the alphabet. Ms. Wooster indicated that her first priority was "Student behavior/ safety situations." On September 12, 2024 Ms. Wooster asked the nine (9) special education teachers for assistance in that process. It is important to note that Student X's last name is after the letter "h" in the alphabet moving toward z.

September 13, 2024, Mr. Orrantia had a meeting with Kendall Thiemann to address Kendall Thiemann's concerns as to safety in his classroom related to an incident with a student on September 9, 2024. and Kim Zwerline was present for the meeting as Kendall Thiemann's representative.

This student had an Individual Education Plan (IEP). Mr. Orrantia indicated he had read the IEP and had interviewed the student. The IEP has a description of approximately 18 behaviors or affects exhibited by the student. On September 13, 2024, Kendall Thiemann described 6 or the 18 behaviors he had already experienced from interacting with the student. Danny Orrantia's response to Kendall Thiemann was that Student X represented "zero reasons for a safety threat."

On Friday, September 13, 2024, during the meeting Kendall Thiemann explained to Danny Orrantia the circumstances, including the fact that the student took a fighting stance, and engaged Kendall Thiemann verbally in an aggressive manner. Kendall Thiemann further explained that the student's demeanor and affect created a significant concern that things

could rapidly excel and that Kendall Thiemann had real fears of violence. Mr. Orrantia told Kendall Thiemann multiple times that observations and fears were an "overreaction."

On Friday, September 13, 2024, during the meeting Mr. Thiemann explained in addition to the above facts that the student carried a skateboard with him all the time and had it at the time of the incident. Mr. Thiemann raised the concern about the skateboard being used as a weapon.

Mr. Thiemann also indicated that the student engages in roaming the halls for extended periods during class time with the skateboard without permission. Mr. Orrantia responded to Mr. Thiemann indicating that the email sent out by Kendall Thiemann to the case worker on September 10, 2024, requesting that the student be removed from his class was "unhinged." Mr. Orrantia indicated to Mr. Thiemann that he had read the student's IEP. Mr. Thiemann had attempted to locate the IEP on Skyward and indicated to Mr. Orrantia that he was unable to find the IEP. Mr. Orrantia snapped at Mr. Thiemann and indicated that he needed to associate himself with the IEP and denied all Mr. Thiemann's requests.

Over the weekend of September 14-15, 2024, Kendall Thiemann, accessed Skyward to do an in-depth review of all of his students' IEP's. On Saturday September 14, 2024, Mr. Thiemann was surprised to discover that Student X's IEP was on Skyward after not being able to locate it previously. However, when he reviewed the IEP of the student who was the subject of the September 13, 2024, the IEP was incomplete, unsigned, and lacking evidence of the required team membership. This was the IEP which Mr. Orrantia had claimed he had already reviewed.

The first glaring issue relating to the IEP was the fact that there was no general educator who was delineated as an IEP team member. Again, this is required by WAC 392-172A-03090(1)(b). The IEP for the student in question was not signed by anyone, meaning no special education educator, no representative of the public agency, and no who could have been a general educator. There wasn't even a signature line delineating "general educator." It is required that all of the IEP Team members involved in an IEP sign the IEP.

From the date on the IEP, it was clear the student was new to the Evergreen School District. As indicated above, the IEP was additionally incomplete as there were specific references to an ERP and a BIP,

however there were no ERP and BIP documents contained with the IEP as required by the WAC's.

Additionally, there was language in the incomplete IEP about the need for a room clearing procedure, requiring 2-3 staff, which relating to circumstances where the student, it appeared from past acts, would need to be removed. The IEP contained generalities and no specifics as what were the past circumstances and who the student may have taken issue with in the past. It was clear that these specifics were most likely contained within either the ERP and/or the BIP. Finally, there were approximately fifteen (15) delineated demonstrated past behaviors which Mr. Thiemann had, during the meeting with Mr. Orrantia on September 13, 2024, described to Mr. Orrantia as having already witnessed seven (7) of them from the student.

On Monday, September 16, 2024, Kendall Thiemann sent an email to Danny Orrantia and immediately raised concerns relating to classroom safety issues, ERP, BIP issues and staffing issues. Mr. Thiemann raised the fact he had 30 students in the classroom where the IEP/ERP/BIP student was located. Mr. Thiemann raised the staffing /safety issue regarding the scenario where the ERP needed to be implemented and the fact he had no other staff in that class. Mr. Thiemann did not include his observation or belief that after having reviewed the student's incomplete IEP it was actually hard to believe that Mr. Orrantia had actually reviewed the same document given Mr. Orrantia's dismissive attitude on September 13, 2024. Mr. Thiemann sent the email to Mr. Orrantia to seek reconsideration of Mr. Thiemann's requests.

In the morning on September 17, 2024, Mr. Orrantia replied to Kendall Thiemann's email and ignored the requests relating to class safety. Starting on September 17, 2024, Kendall Thiemann also asked Danny Orrantia and the case manager/special educator for access/ copies of the student's ERP and BIP to allow him to be able to have a complete IEP. Mr. Thiemann asked this for approximately a week until finally a hard copy was placed in his box. It is important to highlight through the entirety of the grievance process, i.e. from September 17, 2024,

There are two major purposes for making any reference to the September 17, 2024, IEP/ Safety Grievance. One is content based, as it will be set out below, Mr. Thiemann turned out to be one of three teachers assigned to the student who had early in the school year experienced safety concerns. This was communicated early in the grievance process; however, Mr.

Orrantia and Dr. Fowler were completely dismissive of Kendall Thiemann's concerns. The totality of the reactions is demonstrative of a response to Kendall Thiemann's union protected activities, specifically as it relates to raising issues of safety.

A second, but equally important reason for that the procedural history of the IEP is set out below is to illustrate the fact of past and concurrent practices regarding EHS administrators understanding and ability to follow the grievance process regarding communications set out in CBA Article XII, Section 2, Step-1 and/or Step 2.

As it is set out above in from the Grievance history relating to all communications between September 2023 to December 2023, which throughout the process generally followed in line with the language of CBA Article XII, Section 2, Step-1 and/or Step 2.

As it was referenced above and is demonstrated below, during the fall of 2024, Mr. Thiemann filed two grievances, one relating to a Safety issue with the Administrations in ability to comply with Article VIII Section C and their training and procedures as to providing access to **IEP**'s, **behavior plans**, and/or ***emergency response*/ safety plans**, and the other relating to the denial of his request for a new evaluator.

It is easy to observe that throughout the procedural history of the IEP/ Safety grievance process that both parties, Kendall Thiemann, the grievant and first; Mr. Orrantia, in Step-1 process, and then; Mr. Peyton and Ms. Fowler in Step 2, generally complied with the procedures set out in the CBA Article XII, Section 2, Step-1 and/or Step 2 as to communications, and timelines. Ms. Fowler's last action was not in compliance with the CBA, i.e. of not providing the association a copy of the Step 2 response and that will be addressed below.

It is worthing of noting that throughout the step 1 email exchanges in the IEP / Safety Grievance process, Ms. Thompson routinely forwarded all the emails Ms. Thompson received from Kendall Thiemann to Ms. Gomes. Ms. Gomes had no official role in the IEP Grievance process.

However, by comparison, it is also easy to demonstrate that this was not the case with the 2024 Step-1 and Step 2 Grievance process relating to the denial of a new evaluator. In that grievance there was easily identifiable purposeful and/or willful deviations by Ms. Thompson and Ms. Gomes as to complying with CBA Article XII, Section 2, Step-1 and/or Step 2 as to communications, and timelines. These actions/deviations effectively

constituted an effort to deny Kendall Thiemann his rights guaranteed a member under the CBA to engage in union activity through the grievance process under CBA Article XII, Section 2, Step-1 and/or Step 2.

However, to summarize the procedural history there is a table below relating to the procedural history of 2024 IEP/ Safety Grievance. As it can been seen below. There were twenty-three (23) direct exchanges between Kendall Thiemann, the grievant, and the assigned administrators. There was never an attempt to deviate from the procedure as to who was the point of contact at any time from September 17, 2024, to November 25, 2024. Although, there was an attempt by Ms. Thompson to silence Kendall Thiemann during the Step-1 grievance process, Ms. Thompson was clear and acknowledged that she was "inserting" herself into the conversation and never claimed to be taking over as the assigned immediate supervisor at Step-1. There was no attempt to exclude the identified grievant from communications on such key issues as abeyances and waving the formal Step-1 Conferences. As indicated, this was also the procedure followed by the parties in the 2023 grievance.

This Step-1 2024 IEP/Safety Step-1 / Step2 procedural history is set out in the table detail below.

1.44.3 **2024 IEP / Safety Grievance table**

2024 IEP/Safety Grievance
1. On September 9, 2024 Kendall Thiemann sent an email regarding Student X to Michael Bowersox in the hopes that Mr. Bowersox was Student X was on Mr. Bowersox's case load as the Case Manager. On September 9, 2024, Mr. Bowersox responded to Kendal Thiemann and included Associate Principal Andrea Wooster. Ms. Wooster forwarded the September 9, 2024 Bowersox to Thiemann reply onto Danny Orrantia. No one else was included in Ms. Wooster's forwarded email.
2. September 10, 2024, Danny Orrantia inserts himself into the email discussion between Mr. Bowersox and Kendall Thiemann by scheduling a meeting to occur on September 13, 2024.
3. September 13, 2024, In-person Meeting scheduled directly by Danny Orrantia. Present at the meeting:

Danny Orrantia, Amanda Mac Donald, Kim Zwerline, and Kendall Thiemann meet to address concerns about Student X.

Danny Orrantia indicates he read Student X's IEP and has had contact with the Student X.

Kendall Thiemann describes his concerns due to an incident and then describes the incident.

Danny Orrantia, apparently although he know about the Emergency Response Protocol (ERP) 2-3 person room clear for safety based upon prior assaultive conduct, indicated that there was "zero reason for a safety threat"

4. **September 16, 2024:**
   Danny Orrantia's email to Kendall regarding Student X's IEP and safety concerns raised by Kendall Thiemann

5. **September 16, 2024: Email Sent from Kendall Thiemann directly to Danny Orrantia after 11:00 p.m.**
   Kendall Thiemann's, after being provided access through Skyward and having a thorough review of the IEP responded to Danny Orrantia expressing his concern about the ERP language with respect to the 2-3 person room clear containted within the IEP and the fact that the IEP was missing the ERP and Behavioral Improvement Plan (BIP) .

On September 17, 2024: 0615 a.m.
Danny Orrantia, from his I-Phone forwarded Kendall Thiemann's to Tracy Thompson with a request that Ms. Thompson call him as soon as she saw his email. Danny Orrantia also changed the subject line.

September 17, 2024: at 9:10 a.m.
Andrea Wooster emailed Danny Orrantia a signed copy of the IEP**.**
Although, Kendall Thiemann asked for a copy of the IEP/ERP/BRP from Danny Orrantia between September 17, 2024, and September 26, 2024, Danny Orrantia never provided Kendall Thiemann a copy.
Assistant Principal Andra Wooster, was not included in Kendall Thiemann's September 16, 2024, post 11:30 p.m. email to Danny Orrantia. However, Andrea Wooster did not include Kendall Thiemann in the September 17, 2024 email she sent to the IEP to Danny Orrantia. Again, it does not appear that Ms. Wooster's actions align with the goal of providing information to empower a fellow team member to succeed.

6. **September 17, 2024:**
   Kendall Thiemann, the grievant, sent an email with a .pdf copy of his Step-1 Grievance re: IEP/ Safety issues ***directly*** to Danny Orrantia, the designated immediate supervisor and also cc'd Tracy Thompson and Kristy Peak, the president of EEA. Kendall Thiemann did not designate an EEA representative.

On September 17, 2024, Kendall Thiemann filed a grievance related to concerns of classroom safety related to the failure of the administration to comply with CBA Article VIII Section C. Again, Article VIII Section C of the CBA requires the following:

> The District shall make every effort to evenly distribute students with special needs equitably across grade level and class sections. A procedure **will** be established that when a student is placed in a classroom, the **teacher shall** be provided **access** to any **IEP**, 504, **behavior plan**, **safety plan** and/or WELPA Score for the respective student.

The basic reasons were simple. On September 13, 2024, Kendall Thiemann had a meeting with Danny Orrantia and describing 6 out 18 of the behavioral attributes exhibited by the student in question during an incident that occurred on September 9, 2024.

After the meeting Kendall Thiemann went back over the 5/16/2024 IEP in detail and discovered that it was unsigned, there was not listed general educator, the IEP reference an ERP and BRP which did not appear to exist as they were not contained withing the IEP.

7. **September 19, 2024:**
   Danny Orrantia, the designated immediate supervisor sent an email ***directly*** to Kendall Thiemann, the grievant, and confirmed receipt of the Step-1 Grievance re: IEP/ Safety issues. Danny Orrantia also cc'd Tracy Thompson Kristy Peak, the president of EEA,. Danny Orrantia included Griffin Peyton and indicated he would also be involved on behalf of ESD administration.

8. **September 20, 2024:**
   Danny Orrantia, the designated immediate supervisor sent an email ***directly*** to Kendall Thiemann, the grievant, with the intent of scheduling a Step-1 Grievance formal conference re: IEP/ Safety issues. Danny Orrantia also **sought an abeyance *directly*** from Kendall Thieman of the 5 business day timeline set out in CBA Article XII, Section 2, Step-1. Danny Orrantia cc'd Tracy Thompson Kristy Peak, the president of EEA. Danny Orrantia included Griffin Peyton

9. **September 23, 2024:**
   Danny Orrantia, the designated immediate supervisor, sent an email ***directly*** to Kendall Thiemann, the grievant, with the intent of scheduling a Step-1 Grievance formal conference re: IEP/ Safety issues, however Danny Orrantia stated that:
   "In planning for today, I didn't realize you had a golf match…"
   Danny Orrantia cc'd Tracy Thompson Kristy Peak, the president of EEA. Danny Orrantia included Griffin Peyton.

10. **September 23, 2024:**
    Kendall Thiemann, the grievant, sent an email ***directly*** to Danny Orrantia, the designated immediate supervisor, agreeing to **an abeyance** and also cc'd Tracy Thompson, Griffin Peyton and Kristy Peak, the president of EEA. The emails

addressed scheduling as well. Kendall Thiemann did not designate a EEA representative.

11. September 23, 2024

Kendall Thiemann, the grievant, sent an email ***directly*** to Danny Orrantia, the designated immediate supervisor, and also cc'd Tracy Thompson, Griffin Peyton and Kristy Peak, the president of EEA.

The purpose of this email was to explain that Kendall Thieman still had not received a copy of the BIP/ERP.

Kendall Thiemann sent a second email to Danny Orrantia outlining the fact that he had agreed to the abeyance and had been requesting the ERP/ BIP for approximately a week from Mr. Orrantia and/ or Mr. Bowersox and had not received the documents.

12. September 24, 2024:

Kendall Thiemann, the grievant, sent an email ***directly*** to Danny Orrantia, the designated immediate supervisor, which also cc'd Tracy Thompson, Griffin Peyton and Kristy Peak, the president of EEA. Kendall Thiemann asked some safety related questions of DO as to the IEP BIP/ERP issues and the related student.

13. September 24, 2024:

Danny Orrantia, the designated immediate supervisor, sent an email ***directly*** to Kendall Thiemann, the grievant, and in summary declined to answer the basic safety questions asked.

Danny Orrantia cc'd Tracy Thompson, Griffen Peyton, Kristy Peak, the president of EEA.

14. September 25, 2024: at 8:14 a.m.:

Kendall Thiemann, the grievant, sent an email ***directly*** to Danny Orrantia, the designated immediate supervisor, and also cc'd Tracy Thompson, Griffin Peyton and Kristy Peak, the president of EEA. Kendall Thiemann in the email followed up with Danny Orrantia by laying out that he had not been provided with the complete/entire IEP on the Student X. Further, indicates that the IEP, pursuant to Washington Administrative Code (WAC), is supposed to contain a ERP and BIP if they are referenced in an IEP.

Kendall Thiemann indicated that he had requested the ERP and BIP for a week and had not been provided them effectively until September 24, 2024.

Finally, Kendall Thiemann proposed a resolution to the matter where Danny Orrantia and Kendall Thiemann would jointly agree to an OSPI audit of IEP's as it appeared there were systemic failures in providing access to IEP's.

15. September 25, 2024, 9:42, just 1 hour and 10 minutes later:

Tracy Thompson, who was ***NOT*** the designated immediate supervisor, sent an email ***directly*** to Kendall Thiemann, the grievant.

Pursuant to CBA Article XII, Section 2, Step-1, there are contractually defined roles, and Ms. Thompson doesn't have one and was never identified by anyone as having one in the Step-1 process of the IEP/ Safety Grievance. Ms. Thompson was a holdover in the email chain due to both parties never removing her from the initial service of the Step-1 Grievance.
Ms. Thompson "inserted" herself (her words) into the chain and ordered Kendall to "stop these communications" which were about classroom safety. Further, the issue wasn't merely about Step-1 issues previously raised but about the fact that a day earlier Kendall Thiemann became aware that the student in question had a prior history of assaulting a teacher. Again, this was included in the ERP/BIP documents that it took a week to provide to Kendall Thiemann.

There is nothing contained in the CBA that indicates that all communications must cease between the filing of a Step-1 (or Step2) Grievance and the date of the formal conference (and/or informal hearing). (See CBA Article XII Section 2. Step-1 and/or Step-2)

Tracy Thompson cc'd Danny Orrantia, Griffen Peyton, and Kristy Peak, the president of EEA.

Ms. Thompson engaged in an act that was not supported by the CBA and took on a role not supported by the CBA to silence the grievant while they were making attempts to offer up a settlement of the grievance.

16. September 25, 2024, 8:37p.m.:

Kendall Thiemann, the grievant, sent an email ***directly*** to Tracy Thompson, indicating that she was not the designated immediate supervisor, and in fact had not role in the Step-1 process citing specifically to CBA Article XII Section 2. Kendall Thiemann also cc'd Danny Orrantia, Griffin Peyton, and Kristy Peak, the president of EEA.

Additionally, Kendall Thiemann responded to Ms. Thompson's allegations and the order issued to silence him during the grievance process.

Kendall Thiemann set out a timeline of delay regarding providing the IEP/BIP/ERP and addressed other concerns and inaccuracies.

Kendall Thiemann provided the last concern which related to Ms. Thompson's email stating that Ms. Thompson's **"email has a retaliatory tone and causes me great concern."**

17. October 2, 2024:

Step-1 informal Conference on the IEP/Safety Grievance.

CBA Article XII, Section 2, Step 1 provides relevant parts:

"A formal conference shall occur within five (5) days of the receipt of the written request by the immediate administrative supervisor.
Every effort should be made in the formal conference to develop an understanding of the facts and the issues in order to create a climate which will leave (sic) to a solution."

At the October 2, 2024, Step-1 formal conference Danny Orrantia was present as the immediate supervisor, Griffin Payton, was present from the District Office to assist Danny Orrantia, Kendall Thiemann, as the Grievant and Kristy Peak, was present as the president of EEA, and Reiko Dabney, the WEA UniServ Director, was also present.

At the conference the core of the conversation surrounded compliance with Article VIII, Section C, (See the bottom of page 90 of the CBA).
Article SECTION C – Balance / Support in Classrooms provided in relevant part as follows:
The District shall make every effort to evenly distribute students with special needs equitably across grade level andclass sections**. A procedure will be established that when a student is placed in a classroom, the teacher shall be provided access to any IEP,504, behavior plan, safety plan** and/or WELPA Score for the respective student.

At the conference in summary the contents of the IEP were discussed and that fact that the copy of the IEP which was located on Skyward had deficiencies, including the fact the copy on Skyward was ***incomplete***.

Additionally, Danny Orrantia indicated during Step 1 formal conference that he had never stated on September 13, 2024, that he had interviewed the student who had an incident on September 9, 2024, with Kendall Thiemann. This student had an Individual Education Plan (IEP).
During the conference Mr. Orrantia indicated that the incident referenced in the ERP/BIP where the student in question had assaulted a teacher had occurred years before and was not a recent event. It was unclear where Mr. Orrantia was deriving this information and it contradicted the information contained in the BIP/ERP.
At no time during the Step-1 formal conference did Mr. Orrantia indicate that the copy of the IEP located on Skyward database was not a true copy or that there was a signed copy that existed.

The failure to disclose that the copy of the unsigned IEP on Skyward was not a true copy is completely contrary to making "every effort to develop an understanding of the facts and issues in order to create a climate which will lead to" a resolution. Although this is a requirement of the CBA, Danny Orrantia made no effort to inform the grievant or any representative of the union that a

signed copy of the IEP existed which identified who a general educator by name.

18. On October 3, 2024 12:30 p.m.

On October 3, 2024, Kendall Thiemann, the grievant, sent an email ***directly*** to Danny Orrantia, the designated immediate supervisor, where he also cc'd Griffin Peyton and Kristy Pea.

On October 3, 2024, 12:30 p.m., during Kendall Thiemann's "duty free" time, Kendall Thiemann sent Danny Orrantia an email with the subject line: "Post Step-1 Formal Meeting Inquiry / Safety Grievance."

The email address statements Danny Orrantia made during the formal conference held on October 2, 2024, that appeared to not be supported by any known documentation. Specifically, the statements actually contradicted the timeline set out in the ERP/BIP documents relating to when the student in question had previously assaulted a teacher.

Additionally, during the conference Danny Orrantia denied every having interviewed the student in question or having said he interviewed the student in question. Therefore, Kendall Thieman followed up with questions of Danny Orrantia as to what was the source of Danny Orrantia's information regarding his statement during the meeting where he indicated the prior assault of a teacher had occurred years earlier.

Additionally, Kendall Thiemann's email addressed the duty of the employer to comply with Article VIII, Section C, which was at the core of the conversation. (See the bottom of page 90 of the CBA).

ART VIII SECTION C – Balance / Support in Classrooms:

The District shall make every effort to evenly distribute students with special needs equitably across grade level and class sections**. A procedure will be established that when a student is placed in a classroom, the teacher shall be provided access to any IEP,504, behavior plan, safety plan** and/or WELPA Score for the respective student.

19. October 4, 2024, 11:39 a.m.

On October 4, 2024, at 11:39 a.m. Danny Orrantia replied to Kendall Thiemann's email sent out the day before. Danny Orrantia, the designated immediate supervisor, sent an email ***directly*** to Kendall Thiemann, the grievant, and in summary declined to answer any of questions asked by Kendall Thiemann. Danny Orrantia cc'd Tracy Thompson, Griffen Peyton, Kristy Peak, the president of EEA.

In addition to not providing any answers to the questions asked, Danny Orrantia wrote the following somewhat inexplicable email regarding the use of Kendall Thiemann's use of his "duty-free" time to engage in legitimate union activity:

> **"Additionally, I want to remind you about appropriate use of school time. When you have students in class, you are expected to be actively engaged in facilitating your lesson plan and teaching those students.**
>
> **That time should not be used to draft emails to [redacted] teachers to convey your concerns, responses to meetings, grievances, addendums to meetings, etc. You are directed to use class time for instruction."**

20. October 4, 2024:
Danny Orrantia, the designated immediate supervisor, sent an email ***directly*** to Kendall Thiemann, the grievant, and attached a .pdf which comprised of his response to the Step1 grievance wherein Mr. Orrantia denied all requests for relief set out in the grievance. Danny Orrantia cc'd Griffen Peyton and Kristy Peak, the president of EEA in compliance with the CBA.

21. October 11, 2024:
Kendall Thiemann, the grievant, sent an email with a .pdf copy of his Step 2 Grievance re: IEP/ Safety issues ***directly*** to Griffin Peyton, the designated administrator and also cc'd Jenae Gomes and Kristy Peak, the president of EEA, and two EEA/ WEA representatives. Kendall Thiemann did not designate an EEA representative.

22. October 15, 2024:
Griffin Peyton, the designated administrator, sent an email ***directly*** to Kendall Thiemann, the grievant, and confirmed receipt of the Step 2 Grievance re: IEP/ Safety issues. Mr. Peyton also cc'd Jenae Gomes, Kristy Peak, the president of EEA.
Griffin Peyton asked Kendall to provide dates for an informal Step 2 hearing and provided no specific dates and left scheduling in the hands of Kendall Thiemann.

23. October 18, 2024:
Kendall Thiemann, the grievant, sent an email re: the IEP/ Safety Grievance ***directly*** to Griffin Peyton, the designated administrator.
The email was a follow-up on scheduling an informal Step 2 Grievance hearing.

No one else was included in the email.

24. October 23, 2024:
Kendall Thiemann, the grievant, sent an 2nd email re: the IEP/ Safety Grievance ***directly*** to Griffin Peyton, the designated administrator.

The email was a follow-up on scheduling an informal Step 2 Grievance hearing.

No one else was included in the email.

25. October 24, 2024: (October 21-22, 2022)

Dr. Heather Fowler gave Kendall Thiemann notice that she was replacing the designated administrator, Mr. Peyton and she sent an email ***directly*** to Kendall Thiemann, the grievant, and confirmed receipt of the Step 2 Grievance re: IEP/ Safety issues. Mr. Peyton also cc'd Jenae Gomes. No other Association/ Union members were included in the email.
Dr. Fowler also communicates regarding the scheduling of the Step-2 informal hearing.

26. October 28, 2024: (KT Direct to Dr. Fowler)

Kendall Thiemann responds directly to Dr. Fowler and informs her about his recent illness.
Kendall Thiemann, the grievant, sent an email re: the IEP/ Safety Grievance ***directly*** to Dr. Fowler, the designated administrator.
The email was a follow-up on scheduling an informal Step 2 Grievance hearing.
No one else was included in the email.

27. November 1, 2024:

Kendall Thiemann, the grievant, sent an email re: the IEP/ Safety Grievance ***directly*** to Dr. Fowler, the designated administrator.
The email was a follow-up on scheduling an informal Step 2 Grievance hearing.
No one else was included in the email. Kendall Thiemann
Informe Dr. Fowler that his illness took longer than expected to subside and this is a status follow up on scheduling.

28. November 4, 2024:

Dr. Heather Fowler, the designated administrator, sent an email ***directly*** to Kendall Thiemann, the grievant, and confirmed receipt of the Step 2 Grievance re: IEP/ Safety issues. Dr. Fowler also communicates with respect the scheduling of the hearing and offers times for the hearing. No one else was included in the email.

29. November 7, 2024:

Dr. Heather Fowler, the designated administrator, sent an email ***directly*** to Kendall Thiemann, the grievant, regarding scheduling the informal Step 2 Grievance hearing re: IEP/ Safety issues. Dr. Fowler also Cc'd Jenae Gomes and Kristy Peak, the president of EEA, in this email. For the first time in the process Dr. Fowler asks Kendall Thiemann who will be coming to the hearing as his Association/ Union Representative.

Dr. Fowler offers Kendall Thiemann three dates:

- Monday, November 11, 2024, (Veteran's Day/ a Holiday) at 3:30 p.m.
- Tuesday, November 12, 2024, at 3:30 p.m., or
- Thursday, November 14, 2024, at 3:30 p.m.

30. November 7, 2024:

Kendall Thiemann, the grievant, sent an email re: the IEP/ Safety Grievance ***directly*** to Dr. Fowler, the designated administrator.
The email was a follow-up on the scheduling inquiry for an informal Step 2 Grievance hearing. No one else was included in the email. Kendall Thiemann **responded to Dr. Fowler who offered him three dates**

- Monday, November 11, 2024, (Veteran's Day/ a Holiday) at 3:30 p.m.
- Tuesday, November 12, 2024, at 3:30 p.m., or
- Thursday, November 14, 2024, at 3:30 p.m.

and indicated that November 11, 2024, was a holiday, so that was out, but that November 14, 2024, at 3:30 p.m. would work.
Kendall Thiemann indicated that he would provide notice as to his choice of representation prior to the informal hearing.

31. November 14, 2024: Step-2 Informal Hearing

Kendall Thiemann and Dan Ulshafer, Kendall Thiemann's designated EEA representative, met with Dr. Fowler for the Step 2 informal hearing.

At this hearing, with Dr. Fowler, it was discussed multiple times was no signed IEP relating to Student X, with an identified General Educator who was part of the IEP team.

This was the first time in two months of the grievance process, the core of which was a concern for safety as teachers of Student X were not being given access to the complete IEP of the student in question, that it was disclosed that a different copy of the IEP existed.

It is important to note that during the grievance process, Kendall Thiemann had confirmed that other teachers, of the student x, were unable to access the complete IEP, i.e. they had not been given access to the BIP and ERP. Kendall Thiemann provided copies of the BIP and ERP to these teachers of the student.

Although Dr. Fowler was informed that there was no signed copy, she never indicated that she was aware that there was a signed copy of the IEP.
She did not produce it at Step-2 informal hearing. Dr. Fowler never provided access to the referenced IEP during her involvement in the grievance process.
On November 14, 2024, the day of the meeting there was no signed copy Student X's IDP of the document she referenced uploaded on Skyward.

32. November 15, 2024: (Direct to Dr. Fowler) Kendall Thiemann, the grievant, sent an email re: the IEP/ Safety Grievance ***directly*** to Dr. Fowler, the designated administrator. The email to Dr. Fowler was regarding the new information she injected as to a new and different copy of the May 16, 2024 IEP that was not available to any teacher accessing Skyward throughout the grievance process.
33. November 25, 2024: (Direct to KT from Fowler) Dr. Fowler sent the Step 2 response ***directly*** to Kendall Thiemann, the grievant, Cc'd Jenae Gomes. However, Dr. Fowler didn't include the Association President, Kristy Peak, which is required by the CBA.

1.45 **Compare the following 2024 Step-1 /Step 2 regarding the request for a New Evaluator** Grievance procedural history to the IEP/Safety Grievance table above:

1.45.1 **September 26, 2024: Tracy Thompson sent an email directly to Kendall Thiemann denying his request for a new evaluator, providing and email with statement that is not supported by facts.**

On September 26, 2024, as indicated above, Tracy Thompson responded to the request for a new evaluator and summarily denied the request. However, in addition to her failures to disclose which were addressed above, Ms. Thompson wrote the following in her email denying Kendall Thiemann's request for a new evaluator:

> "You previously searched for information on Mr. Orrantia from when he was an employee in Arizona. As I verbally told you in a Grievance Conference we held together last year and as Jenae Gomes, Chief Operations Officer, has verbally told you while you had representation present, this situation had been looked into previously by the District and was *unfounded*."

This entire section also requires attention as it is additional evidence of anti-union animus and retaliatory action relating to Kendall Thiemann's union activity going back to 2023.

It is important to note that Ms. Thompson's written response on September 26, 2024, about Danny Orrantia's actions in 2006 in Arizona, was the first time anyone from Evergreen School District had ever responded to the content of Kendall Thiemann's written safety and integrity concern. There had never been any response related to the Danny Orrantia's knowledge

of the texts in 2006 in Arizona and the subsequent rape, sodomization, and/or sexual assault of one his student's.

Second, Ms. Thompson's statement a year later, regarding what she said during the October 24, 2023, Step-1 Grievance formal conference is **not** accurate.

Ms. Thompson's October 31, 2023, Step-1 Grievance response made absolutely ***no*** reference to Kendall Thompson's concerns about the 2006 Arizona incidents. It is important to note that on November 1, 2023, that Mr. Thiemann addressed, in writing in his Step-2 grievance, the fact that Ms. Thompson had completely ignored his concerns during the conference on October 24, 2023.

On November 1, 2023, Mr. Thieman also addressed in his Step-2 grievance that Ms. Thompson, in her written response on October 31, 2023, had not addressed his concerns about Mr. Orrantia's conduct in Arizona.

To be clear, at the October 24, 2023, conference, Ms. Thompson never stated that the matter had been "looked into previously by the "District" and that it "was *unfounded*."

Additionally, it is important to look at Kendall Thiemann's contemporaneous response to Ms. Thompson's September 26, 2024, email was consistent with his concerns from a year prior. In response to Ms. Thompson's September 26, 2024, email, Kendall Thiemann wrote the following response on 10/3/2024 by filing a Step-1 Grievance:

> No where in any written document did I indicate that I "searched" for information, nor did I state this occurred. I became aware of the fact that Mr. Orrantia was the part of multiple news stories relating in Gilbert, Arizona. (They total some 15 media reports relating to Mr. Orrantia and/or his subordinate.)
>
> The story related to Mr. Orrantia's subordinate, who sexually assaulted one of Mr. Orrantia's students and was convicted.
> During the investigation it was reported that Mr. Orrantia did not cooperate with law enforcement and that the student who was sexually assaulted reported issues of concern about his subordinate to Mr. Orrantia.
>
> It was reported that Mr. Orrantia did not report the concerns of the student on to his superior's.
> Regarding Ms. Thompson's statement that it was communicated that: "this situation had been looked into previously by the District and was unfounded."

> I reviewed the grievance documents from last year and I could find nothing documented that this was ever stated or addressed.
> It appears that this appears to be a statement intended to back fill last year's grievance process. Additionally, the statement "this situation had been looked into" itself doesn't even address what was looked into and what was "unfounded."
>
> In looking over the 15 media stories I did not come across a single retraction. Finally, I met with once with Jenae Gomes of any substance, with a representative present, last year on November 7, 2023. I reviewed the notes from that meeting.
>
> There is no record of Ms. Gomes making any such statement. (Page 2 of 16, October 17, 2024, Step-1 Grievance re: New Evaluator.)

Third, Ms. Thompson was not present during any interaction with Ms. Gomes and Kendall Thiemann.

Forth, on November 7, 2023, Lisa Raine and Kendall Thiemann were never informed by Ms. Gomes or Mr. Orrantia that the "District looked into" anything. On November 7, 2023, Ms. Gomes and Mr. Orrantia never uttered the words "unfounded" in any context.

Fifth, as a direct result of Ms. Thompson's above referenced inaccurate statements in her September 26, 2024, email, on September 27, 2027, Kendall Thiemann sent out a request under RCW 42.56 for public records from the Evergreen School District requesting an investigation where Danny Orrantia was the subject of the investigation, and in addition for any investigation under those circumstances that used the term "unfounded." There were many other search terms used relating to Higley High School, Higley School District, Jeremy Calvert, etc. On April 30, 2025, and again on May 6, 2025, Kendall Thiemann, after waiting over seven months, provided confirmation by Tammy Cofflin, the Evergreen School District public records specialist, that the Evergreen School District did not possess any investigations with respect to Danny Orrantia that contained the words "unfounded."
In summary, there are no known documents in possession of the Evergreen School District to support Ms. Thompson's written assertion.

Additionally, as noted above, between September 11, 2024, and September 16, 2024, Ms. Thompson was provided with the following information through legitimate union activity:

- Jeremy Calvert was found guilty of two sex offenses where a minor student of Danny Orrantia's was the victim.
- Jeremy Calvert's Maricopa County Superior Court at Case number as to these two sex offense convictions was CR 2007-101820.

- The Gilbert police report related to the investigation of Jeremy Calvert's rape, sodomy and/or sex assault allegations is Gilbert PD Case #0700000013. Further, that this investigation is the source of the news reports relating to Danny Orrantia being aware of the minor student receiving text messages where Jeremy Calvert is asking to "go out" as in go out on a date and that Danny failed to act on the text messages by leaving Jeremy Calvert in proximity to minor female students.

It has been verified by Gilbert Police Department that after Ms. Thompson was provided the above information regarding the Gilbert Police Report Number, she made no efforts to request Gilbert Police Report No. 0700000013. This inaction, along with the other examples, is not just evidence of Ms. Thompson's anti-union animus and retaliation, as to Kendall Thiemann engaging in legitimate union activity. It is also a failure on Ms. Thompson's part to engage in any reasonable effort to follow up on legitimate safety concerns based upon new reliably sourced information.

One of Ms. Thompson's assigned duties pursuant to the Evergreen website description is to play a "pivotal role in maintaining safe and equitable environment for the students and staff."

1.45.2 **Public Records Request:**

On September 26, 2024, Kendall Thiemann sent an email to the Evergreen School District designated email address requesting records. The Evergreen School District assigned staff has 5 business days to respond.

1.46 **September 27, 2024: Public Records Request**

On September 27, 2027, Kendall Thiemann sent out a request under RCW 42.56 for public records from the Evergreen School District requesting records under 4 sub-headings. Examples of the records requested relate any records that are investigation where Danny Orrantia was the subject of the investigation, and in addition for any investigation under those circumstances that used the term "unfounded." There were many other search terms used relating to Higley High School, Higley School District, Jeremy Calvert, etc.

It should be noted that Jenae Gomes is the supervisor of the department that oversees the public records requests made of the ESD. Additionally, there are multiple emails in Public Records requests made by Kendall Thieman this school year that are rapidly forwarded on to Ms. Gomes.

1.47 **October 3, 2024, to December 2024,: Step-1 and Step 2 Grievance Process re: Denial of a New Evaluator.**

October 3, 2024

On October 3, 2024, Kendall Thiemann, engaging in legitimate union activity responded to Ms. Thompson's denial of the request for a new evaluator and sent Ms. Thompson and Ms. Heather Fowler a Step-1 Grievance.

The Step-1 grievance was sent to Ms. Tracy Thompson and Dr. Heather Fowler as it was not entirely clear who was the designated recipient for the Step-1 process.

On October 3, 2024, Ms. Tracy Thompson had already been designated to be the equivalent of the immediate supervisor under the CBA (Article XII, Section 2, Step-1) for the initial request for a new supervisor.

Under CBA Article XII Section 2, Step-1, the employee grievant *may* designate and be accompanied by a representative to a formal conference. Kendall Thiemann did not provide any information to Ms. Thompson or Dr. Fowler that he had designated anyone as his WEA representative.

Under CBA Article XII Section 2, Step-1, Ms. Thompson, as occurred in 2023, was to attempt to schedule a formal conference 5 (business) days from the receipt of the written grievance. In 2024, Ms. Thompson received the Step-1 grievance on October 3, 2024. Ms. Thompson made no efforts to schedule a formal conference with Kendall Thiemann. It is important to note that Ms. Thompson was involved in the exact same process with the exact same CBA language in the fall of 2023.

Ms. Thompson's lack of action and lack of an attempt to contact Kendall Thiemann in 2024 was completely different from what had occurred in 2023.

Under CBA Article XII Section 2, Step-1, Ms. Thompson, the assigned "immediate administrator" has the duty to attempt to schedule a formal conference within 5 business days after she received the Step-1 Grievance. Ms. Thompson made no efforts to schedule a formal conference.

Under CBA Article XII Section 2, Step-1, it provides that "A written response shall be given the grievant", here that is Kendall Thiemann, "by the immediate administrative supervisor within five (5) after the initial formal conference, and a copy shall be filed with the Superintendent and the Association" here that is Tracy Thompson.

Given the absolute failure to communicate, it is academic that Ms. Thompson did not request a time extension for a formal conference from Kendall Thiemann. Ms. Thompson didn't request an extension of time to respond to the Step-1 written

grievance. To be clear no ESD administrator made any effort to contact Kendall Thiemann as to his Step-1 Grievance in a timely fashion.

Nor did any ESD administrator provide a written response to Kendall Thiemann request of Kendall Thiemann for a formal conference or make any request for a stay of the time required.

Again, according to CBA Article XII section 2, Step-1, this has to occur within 5 (business) of the receipt of the written Step-1 grievance.

Under CBA Article XII Section 2, Step-1, the grievant, (here Kendall Thiemann) in order to file a timely Step-2 grievance must present it either:

> within five (5) days after the receipt
>
> **or**
>
> five (5) days after the **due date for receipt of the reply in Step-1**,

In addition to the failure to communicate with Kendall Thiemann regarding conducting a formal conference, Ms. Thompson failed to give Kendall Thompson a Step-1 written response**. In summary, Ms. Thompson did not respond to the Step-1 grievance**

1.48 **October 15, 2024; PRA Lawsuit:**

On October 15, 2024, a PRA lawsuit was filed by Kendall Thiemann regarding the September 26, 2024, Public Records request that had been sent to the Evergreen School District. The Evergreen School District representatives at processing the public records request failed to respond to the Public Records Request in the statutory timeline, five (5)business days.

However, Kendall Thiemann waited for over twice the statutory timeline for a response, and approximately eleven business days later filed the lawsuit. Kendall Theimann sought legal action to compel the ESD to produce of the records requested in line with the statute.

1.49 **October 17, 2024, Step 2 Grievance served as there had been no timely response by Tracy Thompson, who was provided the Step-1 grievance and chose not to respond to Kendall Thiemann. Kendall Thiemann, in order to meet CBA timeline moved with the Step-2.**

On October 17, 2024, in order to preserve a timely Step-2 grievance in compliance with CBA Article XII, Section 2, Step-1, and Step-2, Kendall Thiemann presented a Step-2 grievance by email to Dr. Fowler, Tracy Thompson, and Ms. Gomes.

Kendall Thiemann, when in Step-1 and/or Step-2, has the discretion to identify a Union representative and if he does so must give the relevant ESD administrator notice.

On October 3, 2024, when the Step-1 Grievance was presented and again on October 17, 2024, when the Step-2 Grievance was presented, Kendall Thieman provided the grievances in emails, and this was done in compliance with the CBA and Kendall Thiemann did without any designated union representative included in the email.

However, by October 17, 2024, as no one from ESD administration had contacted the employee/grievant, here Kendall Thiemann, from the date of service of the October 3, 2024, Step-1 grievance upon Tracy Thompson and Dr. Heather Fowler and the date of service of the Step-2 Grievance. A formal conference shall occur within five (5) days of the receipt of the written request by the immediate administrative supervisor.

On September 25, 2024, Ms. Thompson sent an email that Kendall Thiemann responded to where he was raised concerns of the retaliatory action where she inserted herself into the IEP grievance process where she had no role. However, Ms. Thompson's failure to act when she had a role is additional evidence of the continuing pattern of anti-union animus against Kendall Thiemann when he engages in legitimate union activity.

1.50 **October 21, 2024: Notice of an attempt to undermine the Grievant in the Step - 2 Grievance process.**

On October 21, 2024, after the timely service four days earlier of the Step-2 Grievance, there was no response from Dr. Fowler or Ms. Thompson on any issue. Kendall Thiemann's expectations as to contact and process were based upon the CBA and the past practice/actions from the interaction during the grievance process in 2023 and those occurring in the fall of 2024 in the IEP/ Safety grievance. (See the IEP table above. which demonstrates that between September 13, 2024. to November 25, 2024. there were 30 substantive direct contacts with Kendall Thiemann and no attempts to violate cut him out of the IEP/Safety Grievance process.)

For context, comparison and contrast purposes as to the 2024 request for a new evaluator /Grievance process from September 13, 2024, forward it was clear that Ms. Thompson was the Step-1 assigned "immediate supervisor"/ESD administrator (point of contact) in the 2024 Step-1 Grievance in line with the CBA language at Article XII, Section 2. It is important to look at Ms. Thompson's and Ms. Gomes' past practice in 2023, which was to follow the language of the CBA Article XII,

Section 2 as to procedure. In 2023, Ms. Thompson had been the assigned Step-1 administrator, and she addressed Kendall Thiemann directly throughout the Step-1 Grievance process by email.

The following occurred in 2023 in compliance with CBA Article XII Section 2 as to Step-1:

- In 2023, Ms. Thompson contacted Kendall Thiemann directly to schedule the Step-1, formal conference.
- In 2023, Ms. Thompson directly engaged in the Step-1 formal conference with Kendall Thiemann.
- In 2023, as the assigned "immediate supervisor", Ms. Thompson had sent the Step-1 response directly to Kendall Thiemann on October 31, 2023. Ms. Thompson cc'd Jenae Gomes on October 31, 2023, when she sent the written response directly to Kendall Thompson.
- In 2023, there was no known attempt by Ms. Thompson to exclude the grievant, Kendall Thompson, from communications implicating the grievant's CBA rights as a member of the union and a grievant.
- In 2023, there was no known substitution without notice of the role of the ESD administration's assigned point of contact; it was Ms. Thompson throughout the Step-1 Grievance process. This is directly set out in the CBA to enable clear communications.
- In 2023, Ms. Gomes had no known/ disclosed official role in the Step-1 Grievance process.
- In 2023, Ms. Gomes did not insert herself into the Step-1 process in any way.

The following occurred in 2023 in compliance with CBA Article XII Section 2 as to Step-2 Grievance process:

- In 2023, Dr. Fowler contacted Kendall Thiemann directly to schedule the Step-2 informal hearing.
- In 2023, Dr. Fowler engaged in the Step-4 informal conference with Kendall Thiemann on November 7, 2023.
- In 2023, the assigned point of contact for the Step-2 grievance was Dr. Fowler. Dr. Fowler sent the Step-2 response directly to Kendall Thiemann. Dr. Fowler cc'd Jenae Gomes on November 14, 2023, when she sent the written response directly to Kendall Thiemann.

- In 2023, there was no known attempt by Dr. Fowler to exclude the grievant, Kendall Thiemann, from communications implicating the grievant's (Kendall Thiemann's) CBA rights as a member of the union and a grievant.
- In 2023, there was no known substitution without notice of the role of the ESD administrations assigned point of contact, it was Dr. Fowler's role throughout the Step-2 Grievance process. This is directly set out in the CBA to enable clear communications.
- In 2023, Ms. Gomes had no known/disclosed official role in the Step-2 Grievance process.
- In 2023, Ms. Gome's did not insert herself into the Step-2 Grievance process in any way.

In 2023, Dr. Fowler was the administrator who addressed the Step-2 Grievance process. In 2023, Dr. Fowler didn't miss deadlines and the held an informal hearing on November 7, 2023. Dr. Fowler was able to schedule this directly with Kendall Thiemann even though he had been placed on administrative leave. Dr. Fowler provided the written response after the November 7, 2023, Step-2 Grievance informal hearing.

In 2023, Kendall Thiemann was directly contacted as the "grievant" included at all steps and all communications included Lisa Raine, for the Step-1 process. It is understood that No EHS/ EPS administrator communicated with Lisa Raine on the 2023 new evaluator on though she was the "grievant" during the Step-1 or Step-2 Grievance process. In short no EHS/EPS administrator, other than Ms. Thompson, attempted to violate the process set out at CBA Article XII, Section 2, and violate Kendall Thiemann's procedural and/or substantive rights in the 2023 Step-1/ Step-2 Grievance process.

However, on October 21, 2024, with respect to the 2024 New Evaluator Step-1 Grievance, Ms. Gomes responded to Kendall Thiemann and indicated that she had contacted Kristy Peak, the EEA President, during the Step-1 process time period, about Kendall Thiemann's grievance. Ms. Gomes intentionally excluded Kendall Thiemann from the process of seeking an abeyance of the grievance. Ms. Gomes willfully selected someone not designated as a representative. Ms. Gomes requested from Kristy Peak that the grievance be placed in abeyance. At no time during the Step-1 Grievance process had Kendall Thiemann indicated that he had chosen a union representative.

Additionally, Kristy Peak was not included in the October 3, 2024, Step-1 New Evaluator transmittal email sent to Tracy Thompson and Dr. Fowler. Ms. Gomes

never communicated to Kendall Thiemann that she was the Step-1 “immediate supervisor” or point of contact.

According to Ms. Gomes’ own admission in the October 21, 2024, email, Ms. Gomes simply inserted herself into the grievance process and made a phone call to seek an abeyance from someone who was not part of the Step-1 process to the exclusion of the grievant. This is an action that in the history of the grievances of this nature brought by Kendall Thiemann did not occur, i.e. at least three other grievances where Ms. Gomes was involved.

The October 3, 2024 Step-1 grievance contained concerns for safety, and integrity, which under the circumstances are time sensitive issues.

Ms. Gomes provided no reasonable or credible explanation as to why she had not complied with CBA Article XII Section 2 or all known past practices engaged in during the 2023 Grievance process with Kendall Thiemann and 2024 IEP/ Safety Grievance process with respect to Kendall Thiemann’s IEP.

Ms. Gomes provided no explanation as to why she deviated from the practices she was included in the 2024 IEP/Safety Grievance. Again, in the 2024 IEP table above it is clearly demonstrated that during the same time period the new evaluator grievance was being processed, the IEP/safety grievance was ongoing. However, over a period of two months in the IEP/safety grievance there were no attempts to exclude Kendall Thiemann from the process in violation of the clear language of the CBA and/or violate his rights to proceed and engage in legitimate union activity.

In Ms. Gomes first email on October 21, 2024, include the following language as to her moving forward with and responding to the substance of the October 17, 2024 Step-2 Grievance, Ms. Gomes indicated that she would not go forward until the “until Step 1 has been appropriately addressed.”

Ms. Gomes stated on October 21, 2024, that it was her intent to see that the Step -1 Grievance process had been “appropriately addressed.” It was academic at this point, Ms. Thompson had missed all timelines and failed to attempt any contact at Step-1, and the Step-2 written Grievance had been filed. For the ESD administration the only “appropriate” action was to move forward with Step -2.

Again, going back to CBA Article XII, Section 2 indicates that at Step-1 a formal conference “shall” occur. The CBA goes on to state that the purpose of formal conference is to allow parties is to make “Every effort” at the formal conference to “develop an understanding of the facts and the issues in order to create a climate” that will lead to potential resolution.

According to Ms. Gomes she sought abeyance at Step-1 from someone who was not an identified point of contact, Ms. Peak. Although Ms. Gomes didn't secure an abeyance correctly, let's assume for the sake of argument, that it was an error done in good faith. If that was true, and if it was Ms. Gomes stated intent to see that the Step -1 grievance process was "appropriately addressed", why on October 21, 2024, did Ms. Thompson immediately seek, a waiver as to holding the Step-1 formal conference from Lisa Raine?

This waiver was sought by Ms. Thompson when Kendall Thiemann had already indicated that Lisa Raine was only assisting and he was the point of contact on the grievance. Why on October 21, 2024, did Ms. Thompson fail to engage in making "every effort" to schedule a formal conference, especially, given that the goal of the Step-1 grievance process is to make "every effort" to "create a climate" that would lead to resolution.

Unfortunately, Ms. Thompson's actions were completely to the contrary, according to her Step-1 response, which Ms. Thompson served directly on Kendall Thiemann on October 22, 2024. Ms. Thompson indicated in the untimely Step-1 response that on October 21, 2024, she called Lisa Raine and sought a waiver of having the Step-1 formal conference.

Ms. Thompson's actions on October 21, 2024, were in direct contradiction of Ms. Gomes' stated reasons for wanting to have Step-1 process to be "appropriately addressed", that is if one is to believe Ms. Gomes' written word to be truthful and in good faith. Unfortunately, there are not actions that support Ms. Gomes' written word. It appears that Ms. Gomes purposefully injected herself into the process at Step-1 in bad faith and with the specific purpose of denying Kendall Thiemann's rights under the CBA. Additionally, Ms. Gomes' stated on October 21, 2024, that she couldn't engage with Kendall Thiemann directly, which is untrue and in contravention of her own actions in 2023, 2024, and 2025.

Unfortunately, there are multiple emails between October 22, 2024, and November 8, 2024, where Ms. Gomes initially asserts that she cannot engage Kendall Thiemann "directly."

To be clear, prior to October 10, 2024. Ms. Gomes had engaged Mr. Thieman directly multiple times, in emails knowing he was represented by Lisa Raine. In 2023, Ms. Gomes, even after she was informed, then after acknowledging that she was aware that Kendall Thiemann was represented by Lisa Raine, Ms. Gome excluded Ms. Raine from emails. Ms. Gomes continued to exclude Ms. Raine and communicate with Kendall Thiemann directly.

The statement, therefore, by Ms. Gomes regarding her not being able to communicate solely/directly with Kendall Thiemann is a ridiculous attempt to ignore the clear language of the CBA Article XII, Section 2.

The statement by Ms. Gomes regarding her not being able to communicate solely/directly with Kendall Thiemann is a ridiculous attempt to ignore her past practices in 2023, and the contemporaneous practices in 2024 during the IEP/ Safety grievance process. As it is demonstrated below, the future practices in 2025, where even after Kendall Thiemann provides her notice of EEA representation, Ms. Gomes removes them from direct communication with Mr. Thiemann.

Unfortunately, Ms. Gomes' excuse as to her concern over direct dealing or interference also demonstrates a level of disingenuousness to the point of provocation. Ms. Gomes, in summary, asserted that she couldn't engage Kendall Thiemann directly to secure a Step-1 abeyance because she is not allowed to engage him directly for fear of committing "direct dealing."

According to Ms. Gomes actions the remedy was to exclude Kendall Thiemann as the "grievant" Kendall Thiemann and secure waivers from those who were not even approved designees in the Step-1 process. While Ms. Gomes' position is logically insulting, from a practical standpoint, it allows Ms. Gomes to effectively select, shop and/or choose the person she wishes to deal with while excluding the grievant. Ms. Gomes' actions have another important result, they deny Kendall Thiemann, as a grievant, the rights guaranteed him in the CBA as a member of the Union, effectively denying him the right to engage in legitimate union activity.

1.51 **October 22, 2024:**

On October 22, 2024, at 2:58 p.m. the ESD Grievance shell game continued, with an email sent to Kendall and from Tracy Thompson. The email contained a .pdf attachment with a Step-1 response to the request for a new evaluator/ safety grievance. This is approximately a day after Kendall Thiemann has indicated, again, that he was the point of contact for this grievance. Ms. Thompson, in the opening of her Step-1 grievance response, wrote as follows:

> "Mr. Thiemann filed a Step-1 grievance on October 3, 2024 in an email to me and Dr. Heather Fowler, Executive Director of Programs and School Performance... ….
>
> On October 21, 2024, I spoke with Lisa Raine, Interim WEA Representative, and we verbally agreed not to have a Step-1 Grievance conference, and I would respond to the Step-1 Grievance."

Ms. Thompson, acting in what can only be described as bad faith, sought a waiver of a mandatory part of a step one process from someone who was not the grievant.

1.52 **October 22, 2024, to December 4, 2024, Step-2 re: New Evaluator/Safety Grievance/ Formal meeting and abeyance.**

1.52.1 October 22, 2024, to November 8, 2024,

There was a series of 5 emails between Ms. Gomes and Kendall Thiemann. Kendall Thiemann initially indicated to Ms. Gomes his objections as to subverting the process in the CBA done by her and Ms. Thompson and seeking multiple waivers from parties who didn't have the authority to provide the waivers.

On November 1, 2024, Kendall Thiemann asked Mr. Gomes for dates she was available during the week of November 4 -November 8, 2024. Ms. Gomes wasted the entire week arguing about whether she could communicate directly with Mr. Thiemann. At no time did Ms. Gomes provide a date for the informal hearing to occur.

On November 8, 2024, Jane Gomes indicated that an abeyance was necessary, and unilaterally set the informal hearing for November 15, 2024. Due to medical needs this date was not available.

1.52.2 **November 8, 2024, to December 8, 2024**

On November 13, 2024, Kendall Thiemann provided Ms. Gomes notice of that the November 15, 2024 date for an informal hearing would not be able to proceed due to medical issues.

In the following next three weeks, with the Thanksgiving Holiday occurring and medical and/or sick days occurring prior to Kendall Thiemann's surgery, the Step-2 grievance matter is still in abeyance.

Kendall Thiemann's was disconnected from access to email and has not received anything to his comcast email regarding the Step-2 grievance since his time on leave.

1.53 **November 21, 2024, to January 28, 2025: ESD "Checking in" on Kendall Thiemann's:**

1.53.1 **November 21, 2024, to December 9, 2024: ESD "Checking in" on Kendall Thiemann's: The first seven emails direct to Kendall without representation.**

On November 21, 2024, Tracy Stone, Benefit/Retirement Specialist, emailed Kendall Thiemann to reach to him and make sure he was doing "okay." Ms. Stone is subordinate to Ms. Gomes in the Evergreen School District Human Resources department. Ms. Stone indicated that Kendall Thiemann might be eligible to use FMLA for some of the sick days he had taken in the month of November 2024. Ms. Stone made no demands for Kendall Thiemann to use time in November as FMLA time, she merely offered Kendall Thiemann options on how to classify recently used sick time.

Ms. Stone forwarded the email solely to Ms. Gomes less than an hour later. Mr. Thiemann had responded to Ms. Stone indicating that he would call her about her offer to assist him on potential use of FMLA for November.

November 22, 2024:

On November 22, 2024, Ms. Gomes, the Chief Operations Officer and the supervisor of Ms. Stone's supervisor, inserted herself into the email chain, removed Ms. Stone and inserted Danny Orrantia. Ms. Gomes had not included Ms. Peak. It is worthy of noting that just weeks before Ms. Gomes had indicated that she couldn't communicate with Kendall Thiemann directly for fear of "direct dealing." The questions being asked by Ms. Gomes on November 22, 2024, and throughout November 2024 to early December of 2024, were of the kind based upon the content that could result in discipline. However, Ms. Gomes, contrary to her very recent stated concerns about "direct dealing", only included Mr. Thiemann's immediate supervisor in the emails.

In short, the earlier offer of assistance by Ms. Stone somehow had changed into a pointed inquiry by Ms. Gomes, i.e. from Kendall Thiemann being asked if he could be assisted with FMLA, to an interrogatory which clearly could lead to potential future discipline.

Later in this email chain, Ms. Gomes would ask direct questions of Mr. Thiemann requesting that he provide documentation from his physician.

Additionally, later in this email chain Ms. Gomes would also ask direct questions about Mr. Thiemann taking two (2) sick days in a row in November, which pursuant to policy and the CBA does not require production of any documentation.

November 24, 2024:

On Sunday November 24, 2024, Kendall Thiemann, responded to Ms. Gomes November 22, 2024, email and provided information and asked follow-up questions for clarification purposes.

November 26, 2024:

Two days later, on Tuesday, November 26, 2024, Ms. Gomes replied to Mr. Thiemann's November 24, 2024, email, but did not answer Mr. Thiemann's question. However, Ms. Gomes indicated that she needed to "approve" sick time that had been taken and to discuss other "absences" in November but provides no dates or specifics.

Again, Ms. Gomes sent an email directly to Kendall Thiemann, with Danny Orrantia cc'd and Ms. Gomes but has not included Ms. Peak. Just 20 days prior to this email Ms. Gomes had maintained in the New Evaluator/ Safety grievance chain that she couldn't communicate directly with Kendall Thiemann, but as it will be demonstrated this is not the case in the six emails over a period of weeks in late November in early December of 2024.

November 28, 2024:

On Thanksgiving Day, November 28, 2024, Kendall Thiemann responded to Ms. Gomes November 26, 2024, email and asked her what days she was specifically referencing as to the non-descript days she had referenced in "November."

December 2, 2024:

On Monday, December 2, 2024, Ms. Gomes responded directly to Mr. Thiemann's, November 28, 2024, email; No one else was included in the email. Again, Ms. Gomes didn't give specifics on the dates in "November" other than a reference to a need for "November 7, through the end of November" and more information on "November 25, 2024, and November 26, 2024." Additionally, at this point Ms. Gomes engaged in a new inquiry about half ½ and/or partial days taken as sick leave. It was the following statement that was new to Kendall Thiemann, Ms. Gomes indicated to Kendall Thiemann that he had:

> "been absent consistently from November 7 and will need a physician note explaining the reason."

December 2, 2024, was ten (10) days from the date Ms. Gomes had started asking questions about Kendall Thiemann. It is understood that the CBA is consistent with Evergreen School District/ Evergreen Public School Policy. CBA Article V, Section A, 1. which provides in pertinent part as follows:

> – Leaves for Sickness, Bonding, Emergency and Injury (italics for emphasis):
>
> **1. Sick and Emergency Leave**
> Sick leave Sick leave may be used for *illness*, *injury*, *emergency*, *doctor*, *dental* and *vision* appointments. Physician verification is required for absences of more than **five** consecutive school days….

In November of 2024, Kendall Thiemann did not have more than 5 consecutive school days of absences. There was no known basis for the request for documentation that Ms. Gomes was making of Kendall Thiemann.

December 4, 2024:

On Wednesday, December 4, 2024, Ms. Gomes sent another email directly Kendall Thiemann. No one else was included in the email. In the December 4, 2024, email Ms. Gomes was now demanding that Mr. Thiemann provide the answers to her emails and provide documentation by December 6, 2024. Ms. Gomes made no assertion in any email that Kendall Thiemann had more than 5 consecutive absences.

Prior to and including the Wednesday, December 4, 2024, email Ms. Gomes had identified only two dates in previous emails, November 25, 2024, and November 26, 2024. Ms. Gomes demand for documentation was not supported by any reference to any specific policy or any Article or Section of the CBA. To this date it is unknown what authority or basis Ms. Gomes' believes supports her request for "documentation."

December 9, 2024:

On December 9, 2024, Kendall Thiemann responded to Ms. Gomes' December 2, 2024, and December 4, 2024, emails from his personal email. Given, Ms. Gomes' demand for the production of "medical documentation" made in these emails, Kendall Thiemann spent time to look over policy and

the CBA and could not locate anything requiring that he produce "medical documentation" when he not had a period of absences of "more than **five** consecutive school days…." Kendall Thiemann's response in the email and reference to the CBA was a legitimate exercise of his rights to rely on the language of the CBA and engage in union activity.

In this email given the demand for "medical documents" by Ms Gomes, Kendall Thiemann included Reiko Dabney from the WEA/NEA, Annabel Torres from the WEA/ NEA, Daniel Ulshafer, Kendall's chosen Union representation in the IEP grievance at Step-2, and Superintendent Christine Moloney.

Mr. Thieman cited to CBA Article V section A. 1, checked his sick time history for November of 2024 and asked the following question of Ms. Gomes on December 9, 2024:

> "Could you please indicate where in the CBA there is language which requires for me to explain the use of sick time when it used for any reason under 5 consecutive days?"

In the December 9, 2024. email Kendall Thiemann voiced concerns about the inquiry/ request/ order as having the appearance of a retaliatory action given the "temporal proximity" to his safety related grievances, related to the IEP and or course generally safety, i.e. the grievance related to a new evaluator/ safety and Mr. Orrantia's history in Arizona, and the PRA lawsuit he filed against Evergreen School District in October of 2024.

In the December 9, 2024. email Kendall Thiemann also voiced concerns about the following:

- Ms. Gomes' artificially created deadlines for the production of "medical documentation";
- Ms. Gomes using his work email, when his access to work email had been cut off effective on December 9, 2024;
- The fact Ms. Gomes had engaged in many (at least six) emails regarding her inquiries or demand for the production of "medical documentation" and never included anyone from the union. Completely contrary to her recently stated concerns about "direct dealing";

- The fact that the inquiry was being conducted by someone like Ms. Gomes, the Chief Operations Officer, as opposed to Ms. Stone, which is where it had been initiated, had the appearance of Ms. Gomes having a definite focus upon Kendall Thiemann.

There was no response from Ms. Gomes or anyone from the administration at the Evergreen School District for the next three weeks.

1.53.2 **January 3, 2025, to January 28, 2025; ESD/EPS "Checking in" on Kendall Thiemann's, Administrative Leave and Jenae Gomes's "Directive."**

January 3, 2025: Email from Jenae Gomes:

On January 3, 2025, twenty-five days later, Ms. Gomes responded directly to Kendall Thiemann, but excluded Reiko Dabney from the WEA/NEA, Annabel Torres from the WEA/NEA, Daniel Ulshafer, Kendall's chosen Union representation in the IEP grievance at Step-2, and Superintendent Christine Moloney from the email.

The content of the email was non-responsive to any of the questions raised by Kendall Thiemann in the December 9. 2024 email relating to Ms. Gomes' basis for requesting medical documentation for days which were pre-scheduled for sick leave for medical appointments. On December 9, 2024, Kendall Thiemann had, once again, engaged in legitimate union activity. On January 3, 2025, a "duty free" day, Ms. Gomes informed Mr. Thiemann that he could not return to his contracted duties in the classroom until he had engaged in a "meeting" with Ms. Gomes about questions she asked on November 22, 2024. In summary, the next response Mr. Thiemann received after engaging in legitimate union activity on December 9, 2024, was contained in an email on January 3, 2025, indicating that Mr. Thiemann was effectively on administrative leave.

Additionally, Ms. Gomes', January 3, 2025, email contained odd omissions/deletions to the previous email chain. When Kendall Thiemann sent Ms. Gomes an email response on December 9, 2024, there was a complete chain of emails ranging from back to November 21, 2024, i.e. the following dates and emails were included in the chain:

1. November 21, 2024
2. November 22, 2024
3. November 24, 2024
4. November 26, 2024
5. November 28, 2024
6. December 2, 2024

7. December 4, 2024

However, on January 3, 2025, when Jenae Gomes responded to what should have been to Kendall Thiemann's December 9, 2025, apart from the fact that Ms. Gomes excised all of the union representatives and Superintendent Moloney from the email chain, Jenae Gomes deleted the following emails from the chain:

1. November 26, 2024
2. November 28, 2024
3. December 2, 2024
4. December 4, 2024
5. December 9, 2004

January 6, 2025:

Kendall Thiemann responded to Jenae Gomes' January 3, 2025, email on January 6, 2025. Kendall Thiemann immediately recognized that it appeared that he had been effectively placed on administrative leave. Kendall Thiemann wrote:

> with respect to the November 1, 2023, meeting. "Last November and now, I have been told I could not return to work until I was to answer questions from you relating to an issue of interest to you."

The deletions/ omissions in the chain and who was in the email chain were addressed in Kendall Thieman's January 6, 2025, email. Kendall Thiemann provided the missing emails which are enumerated 1-5 immediately above in a .pdf attachment and provided very specific observations about the concerns he raised in the December 9, 2024, email as to retaliatory actions by Ms. Gomes.

On January 6, 2025, Kendall Thiemann included back into the email chain, Reiko Dabney from the WEA/NEA, Annabel Torres from the WEA/ NEA, Daniel Ulshafer, (Kendall's chosen Union representation in the IEP grievance at Step-2), and Superintendent Christine Moloney.

On January 6, 2025, Kendall Thiemann, again engaging in legitimate union activity, and again asked Ms. Gomes the question he had asked on December 9, 2024, in relation to Ms. Gomes request for "medical documentation":

> "With these above being considered, could you please indicate where in the CBA there is language which requires for me to explain

> the use of sick time when it used for any reason under 5 consecutive days? “

On January 6, 2025, Kendall Thiemann made no declarative statements about how Kendall Thiemann would be seeking compensation, i.e. he didn’t specify if he would be seeking future payment through sick leave or other payment.

However, the economic effect of the being placed on administrative leave could lead to a simple conclusion under these circumstances. Ms. Gomes’ decision on January 3, 2025, would mean that Mr. Thiemann would not need to seek pay reimbursement while on medical leave through reimbursement. Mr. Thiemann would not need to use sick time. Mr. Thiemann would be on paid administrative leave until he had been in Ms. Gomes’ word on January 3, 2025, “released” back to work. Kendall Thiemann never wrote to Ms. Gomes asserting this specifically, he merely indicated that he understood that this was no different than what had occurred on November 1, 2025.

January 9, 2025:

On January 9, 2025, Jenae Gomes sent two consecutive emails in response to Kendall Thiemann’s January 6, 2025, email. Ms. Gomes replied to the email as it was sent to her and deleted no one and added no one, i.e. Reiko Dabney from the WEA/NEA, Annabel Torres from the WEA/NEA, Daniel Ulshafer, (Kendall’s chosen Union representation in the IEP grievance at Step-2), and Superintendent Christine Moloney

The First email was sent out at 1:19 p.m. and contained a one sentence reply to the January 6, 2025, email, it was as follows:

> “You are not on administrative leave, you are utilizing you own accrued leave.”

Ms. Gomes demonstrated that she could selectively respond to what she understood to be the effect of her actions on January 3, 2025. Again, Mr. Thiemann had not made any definitive statements about what leave he intended to use. However, Ms. Gomes’ demonstrated clearly that she could selectively respond to what she perceived to be important content of Mr. Thiemann’s January 6, 2025, email.

Mr. Thiemann sent no reply to the January 9, 2025, 1:19 email. However, 26 minutes later, at 1:45 p.m. Jenae Gomes sent a second email in a

second unsolicited reply to the same parties. This was also a single sentence reply and read as follows:

> "To clarify, you are not on administrative leave (not sure why you thought that) but you need to work with your benefits specialist for accurate leave and or PFML status."

No one in the email chain had sought clarification. However, Ms. Gomes had raised a question in her email in a parenthetical which Mr. Thiemann had already referenced in his January 6, 2025, email. Ms. Gomes posed the question: "(***not sure why you thought that***)."

January 17, 2025, letter:

On January 17, 2025, Kendall Thiemann, in an effort to make his position clear as to why it appeared that Ms. Gomes' January 3, 2025, email effectively placed him on administrative leave, sent to Ms. Gomes and Superintendent Moloney a seven page letter explaining the history of the November 1, 2023, administrative leave occurrence.

On January 17, 2025, Reiko Dabney from the WEA/NEA, Annabel Torres from the WEA/NEA, Daniel Ulshafer, Kendall's chosen Union representation in the IEP grievance at Step-2, and Superintendent Christine Moloney were included in the email.

The content of the explanation provided more specific and additional information for both Ms. Gomes and Superintendent Moloney as to an Arizona Statutory requirement as to in 2006 under ARS 13-3620 and Danny Orrantia's failure to act in 2006 regarding Danny Orrantia. The letter contained a list of sources for Ms. Gomes and Superintendent Moloney to access. The letter addressed the issue that the facts set out in the February 14, 2007, the East Valley Tribune article relating to Danny Orrantia had never been challenged by anyone. Ms. Gomes and Superintendent Moloney had already been provided with the Gilbert Police Department police report number in material provided to them in September 2024, which was contained within the content of a request for a different evaluator for safety and integrity reasons.

The January 17, 2025, letter contained a concern voiced by Kendall Thiemann as to a lack of transparency with respect to the ESD and Union Membership with respect to what had occurred with Danny Orrantia in Arizona in 2006 as compared to events in January in the Vancouver School District.

The January 17, 2025, letter ended with a question to Ms. Gomes asking in summary for her to distinguish the procedural and substantive circumstances surrounding Kendall Thiemann's placement on administrative leave from the language and effect of Ms. Gomes January 3, 2025, letter.

January 20, 2025:

On January 20, 2025, sent a follow-up email to the same group to address an editorial issue regarding the January 17, 2025, letter. On January 20, 2025, Kendall Thiemann sent the email to both Ms. Gomes and Superintendent Moloney included back into the email chain, Reiko Dabney from the WEA/NEA, Annabel Torres from the WEA/ NEA, and Daniel Ulshafer, (Kendall's chosen Union representation in the IEP grievance at Step-2.)

January 23, 2025:

On January 23, 2025, Kendall Thiemann sent a follow-up email to January 17, 2025, letter to Jenae Gomes and Superintendent Moloney regarding his detailed concerns about Ms. Gomes actions on January 3, 2025, being the equivalent of placing him on administrative leave. On January 23, 2025, Reiko Dabney from the WEA/NEA, Annabel Torres from the WEA/NEA, and Daniel Ulshafer, Kendall's chosen Union representation in the IEP grievance at Step-2, and Superintendent Christine Moloney were Cc'd in the email.

On January 23, 2025, Kendall Thiemann indicated that he had engaged in legitimate union activity relating to his letter and inquiry on January 17, 2025, and had not yet received it.

Kendall Thieman explained in the January 23, 2025, email that he had wider concerns relating to his experiences with the Evergreen School District while engaging in union activity regarding transparency and as to how others in the union have been informed, and by comparison to the manner in which Vancouver School District had recently dealt with a 13-year-old matter in their district involving allegations of sexual assault and failures to report. Kendall Thiemann indicated at the end of his email to Ms. Gomes and Superintendent Moloney as follows:

> Given that I have had no response to my last efforts to seek transparency for the union membership, and I have had no response at all to my last letter, it appears that other union and or other protected activity is required.

Kendall Thiemann, engaging in legitimate union activity, and provided Ms. Gomes and Superintendent Moloney multiple opportunities to address the facts surrounding Danny Orrantia's lack of action in the fall of 2006 regarding Jeremy Calvert's texts to the minor female and her subsequent rape, sodomization, and/or sexual assault by Jeremy Calvert.

On January 23, 2025, Kendall Thiemann provided notice that due to their inaction, he would be providing transparency to those in his union regarding the recent actions.

Kendall Thiemann, after his placement on administrative leave in November of 2023, he had engaged with many members of the EEA in legitimate union communications and provided details of matters of importance to the membership.

January 27, 2025:

On January 27, 2025, Jenea Gomes replied to Kendall Thiemann's January 23, 2025, email. Ms. Gomes again stated that Kendall Thiemann was not on administrative leave, but that he could not return to the "*classroom*" until he had a meeting where he would be interviewed by Ms. Gomes about questions of how he used leave in November of 2024 and the necessity of producing "medical documentation." On January 27, 2025, Reiko Dabney from the WEA/NEA, Annabel Torres from the WEA/ NEA, Daniel Ulshafer, Kendall's chosen Union representation in the IEP grievance at Step-2, and Superintendent Christine Moloney were included in the email.

Ms. Gomes *did* not answer a single question that Mr. Thiemann had asked her in the last five (5) emails (December 9, 2024, January 6, 2025, January 17, 2025, January 20, 2025, and/or January 23, 2025. Kendall Thiemann in asking these questions had been engaging in legitimate union activity relating to concerns of privacy, and then in his January 17, 2025, email additionally about safety and integrity.

The questions Kendall Thiemann posed to Ms. Gomes centered around how Ms. Gomes could distinguish the facts of what occurred on November 1, 2023, when Kendall Thiemann was sent home and not allowed into the classroom until he answered questions posed by Ms. Gomes on November 7, 2023, and the practical effect of Ms. Gomes' January 3, 2025, email and the follow-up emails.

January 28, 2025:

Kendall Thiemann responded to Ms. Gomes' January 27, 2025, email by highlighting that in fact Ms. Gomes had, on January 9, 2025, responded to substantive issues which were of economic interest to Evergreen School District (i.e. Ms. Gomes two one sentence responses on January 9, 2025.)

Kendall Thiemann indicated that he had already answered Ms. Gomes questions posed on November 22, 2024, in previous emails. Additionally**,** in Ms. Gomes January 27, 2025, email had just indicated to Kendall Thiemann that he could not return to the "*classroom*" until he had a meeting where he would be interviewed by Ms. Gomes. This is exactly what had been ordered by Ms. Gomes on November 1, 2023, directed at Kendall Thiemann. On January 28, 2025, Kendall Thiemann respectfully asked Ms. Gomes again to please distinguish the difference from the administrative leave order on November 1, 2025, and the January 3, 2025-January 27, 2025, order by email. It appeared the only difference between the two incidents was that Ms. Gomes did not approve of the financial impact of her decision on January 3, 2025, i.e. that the Evergreen School District would have to pay Kendall Thiemann until he was cleared by a doctor to return to the *classroom*.

On January 27, 2025, Reiko Dabney from the WEA/NEA, Annabel Torres from the WEA/ NEA, Daniel Ulshafer, Kendall's chosen Union representation in the IEP grievance at Step-2, and Superintendent Christine Moloney were included in the email.

January 28, 2025: 2nd email reply by Jenae Gomes

On January 28, 2025, Jenae Gomes replied to Kendall Thiemann's January 28, 2025, email. Reiko Dabney from the WEA/NEA, Annabel Torres from the WEA/NEA, Daniel Ulshafer, (Kendall's chosen Union representation in the IEP grievance at Step-2), and Superintendent Christine Moloney were included in the email.

Jenae Gomes started her response by addressing the financial issue first in the email, she informed Kendall Thiemann that he was on "FMLA/PFML leave", not administrative leave.

From November 22, 2024, through early December of 2024 Ms. Gomes, had her interaction with Kendall Thiemann, one to one and did not involve any union representatives or the union president. On December 9, 2024, Kendall Thiemann had inserted WEA/EEA representation, and Jenae Gomes removed union representation in her January 3, 2025, reply to the December 9, 2024, email.

On January 28, 2028, Jenae Gomes' again would not respond to Kendall Thiemann's questions relating to the CBA and the past practice/ circumstance in November of 2023 and distinguishing it from the current about distinguishing the January 3, 2025, order. However, she wrote the following:

> "there is nothing further to clarify on this topic"
>
> and
>
> "Should you fail to follow my direction, you will be subject to disciplinary action. If you have any further questions, I encourage you to communicate through your union representative."

Although Kendall Thiemann desired to send a follow-up email he understood that Ms. Gomes had been very clear she was not going to answer, and she wanted him to remain silent.

1.54 **March 17, 2025**

On March 17, 2025, Kendall Thiemann had not returned to the classroom.

On March 17, 2025, an email was sent from an email address of integrityisparamount@protonmail.com to Evergreen Superintendent Christine Moloney. The entire membership of the Evergreen School Board of directors was included in the email, i.e. Gary Wilson, Julie Bocanegra, Rob Perkins, Ginny Gronwoldt, and Jacqueline Weatherspoon. In addition, there were at least eleven press/ media emails and a email associated with a well-known parent /advocates in the Evergreen School District.

The subject line of the email was "Questions on decision relating to the promotion of the new Sr HR Director." Kendall Thiemann was not included in the email. There was no email associated with any member or representative of the EEA or the WEA in the to or Cc'd addresses sections of the email. Kendall Thiemann did not receive the mail via bcc. or any other method.

Integrityisparamount asked a number of questions of interim Superintendent Moloney relating to the apparent decision to promote Danny Orrantia from Evergreen High School principal to "Senior HR Director." In the opening portion of the email, Integrityisparamount, asks two questions of Superintendent Moloney; first, why she promoted someone to be the Senior Director of Human Resources, who she was aware had a prior history providing false or misleading information to

his supervisors? The second question, was why did she promote someone this year to Senior Director of Human Resources who she was aware had previously failed to act to protect a female student from an employee whom he supervised and the student was later raped, sodomized, and/or sexually assaulted by the person he supervised?

In the body of the email, Integrityisparamount laid out the facts relating to Danny Orrantia's 2006-2007 history at Higley High School/Higley School District regarding the failure to act on texts and the subsequent rape, sodomy, and sexual assault in 2006. Additionally, Integrityisparamount also covered the facts of Danny Orrantia being contacted by law enforcement, not responding, and providing (inaccurate) information to his principal. Integrityisparamount also inserted the content of the February 14, 2007, East Valley Tribune Article at the end the of March 17, 2025, email to Christine Moloney.

On March 18, 2025, Interim (she was officially voted in as Superintendent later that same day) Superintendent Moloney chose to respond directly to Integrityisparamount, and every single address/person who was included in the original email. Superintendent Moloney did not include Kendall Thiemann or any member or representative of the EEA or WEA.

Superintendent Moloney started out the email by indicating that the March 17, 2025, email from Integrityisparamount contained "misrepresentations" and that interim Superintendent supported transparency. Superintendent Moloney went to indicate that the information provided by Integrityisparamount was "harassing misinformation about another person" and appeared to be concerned for "victims and survivors" and stating that "trivializing these issues can also discourage victims from sharing their own stories or seeking support." The content of the email was another example of the type of "*character assassination"* already seen by Jenae Gomes, and each of the remaining paragraphs are analyzed below.

In the 3rd paragraph Superintendent Moloney, inexplicably, stated the following:

> The information in your email is misinformation that was originally brought forward by a current employee, Kendall Thiemann. He also shared information with other school districts in our county; regarding Danny Orrantia, the Principal of Evergreen High School. Similar to the email that was sent throughout the county, for the past couple of years, Kendall communicated multiple times disparaging Mr. Orrantia based on his conclusions related to Mr. Orrantia's employment in the state of Arizona.

The above paragraph alleges that Kendall Thiemann engaged in providing false or misleading facts. This paragraph contains so many false or misleading statements that it is necessary to break them down sentence by sentence.

The first sentence:

> The information in your email is misinformation that was originally brought forward by a current employee, Kendall Thiemann.

First, later in the email, by her own admission Superintendent Moloney indicated that the information was brought forward in 2021. Second, the content of the information brought forward is completely accurate and is supported by the Gilbert Police Investigation, these reports are set out below.

The second sentence:

> He also shared information with other school districts in our county; regarding Danny Orrantia, the Principal of Evergreen High School.

Kendall Thiemann has provided information to his fellow union members and EEA / WEA membership. Any communications he has sent to his union membership have started with notice that what he has communicated is union business related information. There is no known information that has been “shared.. with other school districts in our (Clark) county.”

Third Sentence:

> Similar to the email that was sent throughout the county, for the past couple of years, Kendall communicated multiple times *disparaging* Mr. Orrantia based on his conclusions related to Mr. Orrantia’s employment in the state of Arizona.

It is important to review the definition of the word *disparaging*, and looking at Mirriam Webster and Oxford the definition is essentially the same and is as follows:

> To disparage someone means to criticize, belittle, or speak slightingly about them, ultimately lowering their esteem or reputation.

Anything written by Kendall Thiemann prior to March 18, 2025, to anyone was sent out only as union related communications and/or through the grievance process. The source of the content relating to Danny Orrantia’s inaction in the fall of 2006, was derived from the East Valley Tribune and/or Gilbert Police Department reports. The narrative sections of the Gilbert Police Department reports were derived from audio and video taped interviews from the female minor victim and Jeremy Calvert. The witnesses, the minor female victim and Jeremy Calvert, were contacted and

interviewed less than a week apart and they independently verified that Danny Orrantia knew in the fall of 2006 about the texts and failed to act.

All this information has been public for eighteen years and it is true, based upon reliable information. Kendall Thiemann requesting that Danny Orrantia's past be investigated or reviewed relating to a failure to act when it is based upon the content of an eighteen (18) year old article and information from a successful prosecution and conviction of a person who committed crimes against a minor, Mr. Calvert, is a legitimate request relating to school safety issues. There is no record of Danny Orrantia or anyone challenging the police reports, recorded interviews, or asking for correction or retraction of the information in the articles. Therefore, there was no intent by Kendall Thieman to undermine, lowering Danny Orrantia's esteem and/or reputation. The information has been raised regarding past and current concerns as to judgement and integrity as they relate to the safety of students and staff. In summary, Kendall Thiemann never disparaged Danny Orrantia in any way, he made a reasonable request based upon true and reliable information.

It is hard to believe that on March 18, 2025, interim Superintendent Moloney referenced the concept that raising concerns about the lack of action in 2006 somehow was an action which was a step toward: "Trivializing these issues can also discourage victims from sharing their own stories or seeking support." On the contrary, everything Kendall Thiemann did honored the courage it took for the minor victim to come forward, despite the fact that Danny Orrantia provided false information and failed to support her.

Superintendent Moloney's statement regarding "Trivializing" is especially shocking given the fact that from January 7, 2007, forward, when Danny Orrantia was first contacted by Det. Veronica Butler, he failed to support his 15-year-old student after she had the courage to disclose that she had been a victim of rape, sodomy and/or sexual assault by the actions of Jeremy Calvert. When the victim was asked by Det. Veronica Butler in her interview who could provide important information about Jeremy Calverts actions, she identified one adult, Danny Orrantia, but he provided no truthful statements. Ironically, the only corroboration regarding the facts of the texts and the rape, sodomy, sexual assaults and the text messaging came from Jeremy Calvert's confession.

Additionally, it should be noted that on o September 11, 2024 and September 12, 2024, not long after interim Superintendent Moloney started in her position at the ESD, she was provided all the information that would have allowed for her to seek the truth about Danny Orrantia from the Gilbert Police Department reports, enable

her to contact Veronica Butler, and/or engage in due diligence relating to vetting the source material from the February 14, 2007 East Valley Tribune Article.

On January 17, 2025, information was again provided to interim Superintendent Moloney directly from Kendall Thiemann, who was engaging in legitimate union activity. Superintendent Moloney was provided with the Arizona statue on mandatory reporting and the fact the statute is very similar to the Washington State Mandatory Reporting law, both containing criminal liability provisions. Although multiple ESD administrators had been provided the information relating to the Gilbert Police Department Criminal Investigation, it has been confirmed that no one from the ESD requested the police reports.

Superintendent Moloney, before writing the March 18, 2025, email knew or should have known she was making statements of fact that were false and/or would cast Kendall Thiemann in a false light.

Moving onto the 4th paragraph of interim Superintendent Moloney's March 14, 2025, email is set out below:

> On November 21, 2021, the District became aware of the events at Higley High School. It acted accordingly and requested the relevant records from Arizona. The District received those records on December 14, 2021, consulted with legal counsel, and ultimately determined that Mr. Orrantia's continued employment was not an issue. In other words, reviewing the incident resolved any concerns about Mr. Orrantia.

As indicated above, on September 26, 2024, Kendall Thiemann, received a statement from Tracy Thompson indicating that there was a finding of "unfounded" relating to Danny Orrantia that had occurred at some time in the past. Ms. Thompson wrote this but had never previously stated it before September 26, 2024. As this was the first time Kendall Thieman had been provided this information on September 27, 2024, Kendall Thiemann made a Public Record Request asking for any investigations that were in the possession of the ESD and highlight a number of terms one of which was "unfounded", and many other terms, phrases, and the Gilbert Police Report by the specific police report number.

On April 30, 2025, and again on May 6, 2025, Ms. Tammy Cofflin, the ESD public records officer wrote him and indicated that there were no investigations where Danny Orrantia was the subject of the investigation, and no investigations where there was a finding of "unfounded" related to Danny Orrantia in the possession of the ESD. Additionally, Ms. Cofflin confirmed that the ESD did not have a copy of the Gilbert Police Department Report of the investigation of Jeremy Calvert. Additionally, there are currently no emails or documents that support interim

Superintendent's Moloney's statement that there was a request for documents or a receipt of documents in November of 2021 through December of 2021.

In the 5th paragraph interim Superintendent Moloney represented the following facts as true:

> By way of more specifics, Mr. Orrantia was a high school band instructor at Higley High School in Arizona during the 2006-2007 school year. Jeremy Calvert was a temporary employee who was hired by the Higley School District to assist with the marching band. During that school year, students informed Mr. Orrantia that the police were questioning Calvert about an inappropriate relationship with a percussion student.

There is no issue with the first two sentences as these have been confirmed through documentation. The third sentence requires context which is provided in a different paragraph.

> During that school year, students informed Mr. Orrantia that the police were questioning Calvert about an inappropriate relationship with a percussion student.

This requires an examination of the 7th paragraph of interim Superintendent Moloney's March 15, 2025, email which read as follows:

> On the same day that students informed Mr. Orrantia about the Calvert situation, two things happened. …
>
> First, Calvert reported to Mr. Orrantia that the police had questioned him, and he was heading to the precinct for further questioning. Second (and shortly after the first), the administration informed Mr. Orrantia that the police had arrested Calvert. He was also never contacted by the police.

Taking the last sentence of paragraph 5 together with the first sentence of paragraph 7 there is content in the statement that is untrue. Examining the sentences below together is important to understand when Superintendent Moloney is stating that Danny Orrantia knew about the fact that Jeremy Calvert had been identified as a suspect and when Danny Orrantia knew about Jeremy Calvert's inappropriate conduct with the minor female student.

> During that school year, students informed Mr. Orrantia that the police were questioning Calvert about an inappropriate relationship with a percussion student. **On the same day** that students informed Mr. Orrantia about the Calvert situation, **two things happened**.

> **First**, Calvert reported to Mr. Orrantia that the police had questioned him, and he was heading to the precinct for further questioning. **Second** (and shortly after the first), the administration informed Mr. Orrantia that the police had **arrested** Calvert. He was also never contacted by the police.

It is documented in the Gilbert Police Department Detective (Det.) Veronica Butler's report that Jeremy Calvert was arrested at approximately 12:21 p.m. on January 9, 2007, Jeremy Calvert was placed under arrest. (See attached Gilbert Police Report, page 20). It is understood that processing took time from that point and that no one from the Gilbert Police Department contacted anyone at the Higley School District to inform them of the arrest.

If one is relying on Ms. Moloney's facts Danny Orrantia did not know anything about Jeremy Calvert's inappropriate actions or that he was a suspect until January 9, 2007. This is **false**.

Gilbert Police Det. Veronica Butler documented her contact on January 8, 2007, at 8:00 a.m. at Higley High School. At that time no one from law enforcement had tried to contact Jeremy Calvert. In fact, the Higley High School Principal Mr. Mileham was provided specific information by Det. Butler about the fact that Jeremy was a suspect, that the victim was a student, and that Danny Orrantia apparently was aware of the texts in the fall of 2006. Principal Mileham left for a short time in an attempt try to locate Jeremy Calvert. Principal Mileham returned to the main office area and re-contacted Det. Butler, in the presence of another officer, and informed them that Jeremy Calvert was not at the school and that Danny Orrantia had been contacted and he denied any knowledge of any texts.

Three things are important here, Danny Orrantia was aware of the texts in 2006, and this fact was confirmed by credible witnesses. Unfortunately, Danny Orrantia provided false information to his principal on January 8, 2006.

Second, Danny Orrantia, according to Det. Butler's police report, knew on January 8, 2007, that law enforcement was looking for Jeremy Calver, in fact it was before law enforcement had attempted to contact Jeremy Calvert.

Third, to be clear Danny Orrantia was aware on January 8, 2007, before 9:30 a.m., at least 24 hours before the date (January 9, 2007,) and time (10:00 a.m.) interim Superintendent Moloney stated as fact in her email.

Again, this false information is an attempt to cast a false light on Kendall Thiemann's reporting of facts to ESD administrators, in addition to interim Superintendent claiming that these facts are supported by an investigation or source that is somehow credible.

Finally, the last statement in the seventh paragraph is false. It reads as follows:

> "He was also never contacted by the police."

Det. Veronica Butler clearly documented in her report that on January 7, 2007, she called Danny Orrantia by phone and left a message. Second, the statement leaves the clear impression for any reasonable person that Danny Orrantia was never was aware that Gilbert Police Det. Veronica Butler, after calling him on January 7, 2007, was located at Higley High School on January 8, 2007. Further, Det. Butler had not had contact with Principal Mileham on January 8, 2007, and informed him about the victim, indicating that Danny Orrantia was aware of the texts. Finally, Principal Mileham didn't come back after looking for Jeremy Calvert and reported to her about having a conversation with Danny Orrantia. A conversation that Principal Mileham indicated Danny Orrantia denied any knowledge about Jeremy Calvert's.

To believe that interim Superintendent's Statements of fact about Danny Orrantia are true, one has to conclude that Det. Butler and Principal Mileham would have to be found to be not credible. Detective Butler's investigation in the criminal matter withstood the scrutiny which occurs in the criminal justice system to the point that Jeremy Calvert was convicted in part due to her work being credible.

Moving to the sixth paragraph of interim Superintendent Moloney's March 18, 2025, email reads as follows:

> Mr. Orrantia was, however, interviewed by multiple third-party investigators and attorneys about the incident. The Higley School District also conducted an internal investigation. Mr. Orrantia fully cooperated with each investigation. In the end, no investigating entity found any wrongdoing by Mr. Orrantia.

Again, there are no records that are known to be in the possession of the ESD to verify the above facts occurred. It is understood from Det. Butler's report and from Det. Butler directly that Mr. Orrantia did not cooperate in the criminal investigation.

Considering the entire content of the email, it contains multiple false statements where the clear intent is to create the impression in those reading it that Kendall Thiemann is a liar and/or cast him in a false light.

This email was sent after Kendall Thiemann had put both Jenae Gomes and Interim Superintendent Moloney on notice on January 17, 2007, as to the fact that Danny Orrantia's failure to act in Arizona could constitute a violation of Arizona's mandatory reporter law statute, i.e. ARS 13-3620. Interim Superintendent Moloney made multiple untrue statements that prior to her decision to have the email sent

out in her name were easy to fact check by simply retrieving the Gilbert Police Report relating to the criminal investigation of Jeremy Calvert.

This act by interim Superintendent was also an attempt to attack someone who had been engaged in legitimate union activity, and it was directly related to that activity, in addition to someone attempting to report potential criminal activity.

One amazing irony, interim Superintendent Moloney's March 15, 2007, email was not sent to Kendall Thiemann or any WEA or EEA representative or member. One of the recipients who was cc'd in the email forwarded the email on to Kendall Thiemann. The irony being that Kendall Thiemann had been asking ESD administrators since November of 2023 if there was any investigation or facts from investigation related to Danny's Orrantia's 2006 and 2007 incidents.

Unfortunately, Kendall Thiemann never received an answer directly from an administrator. When an answer was sent, it was an attempt to assassinate his character merely because he had attempted to seek answers for the safety of students and staff. It would also appear that there is a more than a decent case that interim Superintendent Moloney, and Jenae Gomes were engaging in retaliatory actions against someone who was acting like a "whistleblower."

1.55 **June 6, 2025, and June 10, 2025, additionally looking back at January 3, 2025**

On June 6, 2025, Kendall Thiemann received records responsive to a public records request made earlier in the spring of 2025 for the documents that were contained in his personnel file. One of the records contained within Kendall Thiemann's personnel file was the November 9, 2023, email from Jenae Gomes imposing discipline.

Unfortunately, this is evidence of a few things relating to Ms. Gomes actions with respect to Kendall Thiemann's personnel file and administrative leave:

1. Ms. Gomes lack of credibility as well as her efforts to engage in a pattern of tactics akin to character assassination as to Kendall Thiemann.
2. Additionally, it appears that Ms. Gomes not only has been dishonest to Kendall Thiemann, and Lisa Raine, but she created an official record as a public officer in her email sent out on November 28, 2023, where she summarily dismissed Kendall Thiemann's November 27, 2023, grievance while indicating that the matter had been resolved. At the core of the November 27, 2023, grievance was the fact that Kendall Thiemann was seeking to move forward to address the vacation discipline of a "verbal warning".
3. Ms. Gomes would appear to have also deceived former Superintendent John Boyd as he was included in the email sent out on November 28, 2023, indicating

to Kendall Thiemann, and Lisa Raine, that the discipline had been withdrawn and therefore the grievance was resolved.

4. Ms. Gomes has shown her anti-union animus towards Kendall Thiemann's legitimate exercise of his right to engage in such activity from October 30, 2024, to present by the retaliatory action of leaving the November 9, 2023, email in Kendall Thiemann's personnel file.

5. The document Ms. Gomes left in the file is on its face a written false statement, which Ms. Gomes knew or should have known was false and it was left in the file with malicious intent, intended as a form of character assassination. Additionally, it was a continuation of defamatory statements from November 7, 2023, forward, that cast Kendall Thieman in a false light.

6. Finally, after June 6, 2007, Kendall Thiemann was informed that he would not be paid in relation to an extra duty/ supplemental contract for work that was not from education funding but the athletic department. The rationale was that Kendall Thiemann had been barred from working in any way with the Evergreen School District. Ms. Gomes' emails in January of 2025 indicated that Kendall Thiemann was not on administrative leave. However, her order on January 3, 2024, appears to bar him in all the same ways he was barred from the ESD on November 2, 2023. It appears, once again, that a statement by Ms. Gomes' is not credible, i.e. Ms. Gomes indicating that Kendall Thiemann was not placed on administrative leave, but all of the conditions of administrative leave imposed in November of 2023 are being enforced against Kendall Thiemann today. This is another example of a retaliatory action by Ms. Gomes.

1.56 **March 15, 2025, email defaming and engaging in an outrageous attack on Kendall Thiemann**

From: **Christine Moloney** <Christine.Moloney@evergreenps.org>
Date: Tuesday, March 18, 2025
Subject: Questions on decision relating to the promotion of the new Sr HR Director
To: "integrityisparamount@protonmail.com" <integrityisparamount@protonmail.com>
Cc: Gary Wilson <Gary.Wilson@evergreenps.org>, "jal@opb.org" <jal@opb.org>, "newstips@katu.com" <newstips@katu.com>, "ezra.kaplan@kptv.com" <ezra.kaplan@kptv.com>, "adepaola@kgw.com" <adepaola@kgw.com>, "news@koin.com" <news@koin.com>, "eneumann@opb.org" <eneumann@opb.org>, "jwgazaway@sbgtv.com" <jwgazaway@sbgtv.com>, "Katuinvestigates@katu.com" <Katuinvestigates@katu.com>, "wgazaway@katu.com" <wgazaway@katu.com>, "newstips@wweek.com" <newstips@wweek.com>, "newsroom@oregonian.com"

<newsroom@oregonian.com>, "the.eps.advocate@gmail.com" <the.eps.advocate@gmail.com>, "Ckishimo@usc.edu" <Ckishimo@usc.edu>, Julie Bocanegra <Julie.Bocanegra@evergreenps.org>, Rob Perkins <Rob.Perkins@evergreenps.org>, Ginny Gronwoldt <Ginny.Gronwoldt@evergreenps.org>, Jacqueline Weatherspoon <Jacqueline.Weatherspoon@evergreenps.org>

Dear Concerned Citizen,

In light of the email message you sent, I felt it was essential to correct misrepresentations that were shared. I fully support and encourage transparent communication. Open dialogue cultivates a productive environment and invites diverse perspectives. Certainly, conflict can foster growth.

At this time, it is highly concerning when an individual spreads harassing misinformation about another person. Equally concerning is the misrepresentation of the District's response to an incident (especially one involving sexual misconduct toward students) which can cause significant harm. That harm can be especially acute for victims and survivors in our community and that harm can result even if the misconduct occurred outside of our District. Trivializing these issues can also discourage victims from sharing their own stories or seeking support.

The information in your email is misinformation that was originally brought forward by a current employee, Kendall Thiemann. He also shared information with other school districts in our county; regarding Danny Orrantia, the Principal of Evergreen High School. Similar to the email that was sent throughout the county, for the past couple of years, Kendall communicated multiple times disparaging Mr. Orrantia based on his conclusions related to Mr. Orrantia’s employment in the state of Arizona.

On November 21, 2021, the District became aware of the events at Higley High School. It acted accordingly and requested the relevant records from Arizona. The District received those records on December 14, 2021, consulted with legal counsel, and ultimately determined that Mr. Orrantia’s continued employment was not an issue. In other words, reviewing the incident resolved any concerns about Mr. Orrantia.

By way of more specifics, Mr. Orrantia was a high school band instructor at Higley High School in Arizona during the 2006-2007 school year. Jeremy Calvert was a temporary employee who was hired by the Higley School District to assist with the marching band. During that school year, students informed Mr. Orrantia that the police were questioning Calvert about an inappropriate relationship with a percussion student.

Mr. Orrantia was, however, interviewed by multiple third-party investigators and attorneys about the incident. The Higley School District also conducted an internal investigation. Mr. Orrantia fully cooperated with each investigation. In the end, no investigating entity found any wrongdoing by Mr. Orrantia.

On the same day that students informed Mr. Orrantia about the Calvert situation, two things happened. First, Calvert reported to Mr. Orrantia that the police had questioned him, and he was heading to the precinct for further questioning. Second (and shortly after the first), the administration informed Mr. Orrantia that the police had arrested Calvert. He was also never contacted by the police.

The incident that occurred at Higley High School in 2007 was indisputably alarming. However, it is crucial to recognize that Danny Orrantia's actions were entirely appropriate. He did nothing wrong. The District is confident of this because it exercised due diligence in investigating the situation. He has been and continues to be an exemplary employee, consistently demonstrating professionalism, leadership, and a deep commitment to student success.

I hope you understand why I felt the need to provide the above clarification. Mr. Orrantia is a valuable employee of our School District who was investigated and absolved of any wrongdoing, and he does not deserve this type of disparagement.

Sincerely,

Dr. Christine Moloney

Superintendent

Future potential Causes of Action

BELOW: The purpose of the section below is to address with some deal detail the potential future causes of action relating to the facts set out above.

1.57 **Future: Causes of Action:**

1.57.1 **Invasion of Privacy /False Light/Defamation**

As set out in enumerated sections numbers 1.2 to 1.56 above**,** within the past two years, Superintendent Chrisine Moloney, Janae Gomes have defamed the Kendall Thiemann collectively and individually and have presented defamed him and/or him in a false light. It is understood that this is a tactic that predates the 2023- 2025 time periods. The methods of retaliation that have been applied to Kendall Thiemann were outlined by a ESD former school board member on December 7, 2021, in an email sent to the members of the ESD School Board of Directors by email. Three of the members who received that email are still on the Board of Directors today.

Ms. Gomes allegations on November 7, 2023, were false with respect to asserting that Kendall Thiemann had engaged in disparaging, defaming, slandering Danny Orrantia by making asserting that Kendall Thiemann had made statements about Danny Orrantia's actions in 2006 and 2006, in his role as the band director at Higley High School and Ms. Gomes verbally and in writing published them to Lisa Raine.

Ms. Gomes engage in the same defamatory conduct described in the paragraph immediately above this one, on November 9, 2023, and November 17, 2023, in emails that were published to Lisa Raine.

Additionally, the November 9, 2023, disciplinary email was placed in his personnel file with publication to all of those who have access to this file, from November 9, 2023, through to at least June 6, 2025, making the same false claims with the intent to harm his reputation, when she knew or should have known that it was untrue.

Superintendent Christine Moloney, on or about March 17, 2025, sent out an email publishing to multiple members of the press, the entire Evergreen School Board, and others making false factual statements regarding

Kendall Thiemann, which she knew or should have known were not true and casting Kendall Thiemann in a false light.

Additionally, on or about March 17, 2025, Superintendent Christine Moloney invaded Kendall Thiemann's privacy by revealing the private subject matter of which at the time those facts were contained within the union grievance process published and published these facts in an email to the press, to the board of directors and to other private citizens.

Alternately, Ms. Gomes, and/or acted with reckless disregard on or about December 7, 2021, November 9, 2023, November 9, 2023, through to at least June 6, 2025, as to the falsity of the statements/ allegations against Kendall Thiemann.

Alternately, Superintendent Christine Moloney acted with reckless disregard on or about March 17, 2023, as to the falsity of the statements/ allegations against Kendall Thiemann.

Alternately, Ms. Gomes acted with negligent disregard on or about December 7, 2021, November 9, 2023, November 9, 2023, through to at least June 6, 2025, as to the falsity of these allegations against Kendall Thiemann and knew or should have known as to the falsity of these allegations/ against Kendall Thiemann.

Alternately, Superintendent Christine Moloney, acted with negligent disregard on or about March 17, 2025, as to the falsity of these allegations against Kendall Thiemann and knew or should have known as to the falsity of these allegations/ against Kendall Thiemann.

Ms. Gomes' and Superintendent Moloney's false allegations relating to Kendall Thiemann are highly offensive to a reasonable person.

Neither Ms. Gomes nor Superintendent Moloney were acting with any privilege.

As a direct and proximate result of defendants' misconduct, Kendall Thiemann has been harmed and damaged all in an amount to be proven at the time of trial.

1.57.2 **Washington Law Against Discrimination (WLAD) RCW 49.60 - Violations of Public Policy)**

set out in enumerated sections numbers 1.2 to 1.56 above, within the past three years, the ESD through its agents, Superintendent Christine Moloney, Jenae Gomes, Danny Orrantia, Tracy Thompson, Dr. Heather Fowler,

Amanda Mac Donald and Andrea Wooster have discriminated against Kendall Thiemann in violation of Washington's Laws Against Discrimination RCW 49.60 ("WLAD") and its own policies and procedures. There are two distinct protected class categories, Kendall Thiemann as acting as union member through membership engaging in union activity and Kendall Thiemann acting as a whistleblower. These two separate categories of protected class under RCW 49.60 (WLAD) and they are set out separately below.

Protected Status as a Union member engaging in union activity:

The ESD (and the agents referenced above) is an employer obligated to comply with WLAD. The ESD further adopts policies and procedures promising a workplace free from discrimination under WLAD and federal civil rights. The district has breached and otherwise violated state law, and public and district policies that promise a discrimination free workplace, and a workplace free from retaliatory discrimination.

Kendall Thiemann is a protected class member based upon his union membership and his engaging in union activity. Kendall Thiemann is a protected class member due to his union membership, engagement in union activity and/ engagement of union activity and speech.

The district, and the above listed agents, have engaged in retaliatory actions against Kendall Thiemann have been directly related to the content of his grievances and the union activity of challenging being placed on administrative leave while he was on medical leave which were engaged by Kendall Thiemann for legitimate union activity relating to safety in the workplace.

The content of the grievances or union activity being the reporting of a concern for the school safety and issues of abuse of office relating to integrity, relating to the following grievances or union activity; the 2023 grievance for a new evaluator, (September of 2023 to December of 2023 the 2024 grievance IEP/ Safety Grievance (September 17, 2024 to November 30, 2024), and the 2024 Grievance for a new evaluator and safety concerns: (September 2024 to present).

As to Danny Orrantia and/or Amanda Mac Donald, retaliated regarding and through the evaluation results and/process. The retaliation was based upon Kendall Thiemann’s the content of his grievance and/or union activity being the reporting of a concern for the school safety and issues of abuse of office relating to integrity, relating to the following grievances or union

activity; the 2023 grievance for a new evaluator, (September of 2023 to December of 2023).

Andrea Wooster's retaliatory actions from September 9, 2025, to November 30, 2024, by retaliation denying access to a true copy of an IEP which was the subject matter Kendall Thiemann's legitimate union activity through his union membership and use of the grievance process in relation to the content of his 2024 IEP/Safety grievance.

Additionally, the district and the above agents have promoted and maintained a hostile workplace in violation of the Kendall Thiemann's civil rights and based upon his protected classifications.

As a direct and proximate result of defendants' misconduct, Kendall Thiemann has been harmed and damaged all in an amount to be proven at the time of trial.

Additionally, **Protected Status as a Whistleblower:**

As set out in enumerated sections numbers 1.2 to 1.56 above**,** within the past three years, the ESD through its agents, Superintendent Christine Moloney, Jenae Gomes, Danny Orrantia, Tracy Thompson, Dr. Heather Fowler, and Andrea Wooster have discriminated against Kendall Thiemann in violation of Washington's Laws Against Discrimination RCW 49.60 ("WLAD") and its own policies and procedures.

The individually named officials set out immediately above abused the power of their positions of employment with the district, a common school maintained at public expense and carrying on a high school program pursuant to the authority of title 28A of the revised codes of Washington.

The named officials acted under color of law in an individual capacity. The named officials also acted under color of law in an official capacity. The named officials acted or purported to act in the performance of their official duties as under state laws, including Washington's constitution, RCW 28A. (Common Schools provisions), RCW 42.41 (Local Whistleblower Act); RCW 42.60 (WLAD); RCW 40.14(Preservation of Public Records) and RCW 40.16, (Penal Provisions) 40.16.020 Injury to and misappropriation of record; and school district policies and procedures specific to reporting governmental misconduct and providing an equitable education for all students.

The ESD (and the agents referenced above) is an employer obligated to comply with WLAD. The ESD further adopts policies and procedures

promising a workplace free from discrimination under WLAD and federal civil rights. The district has breached and otherwise violated state law, and public and district policies that promise a discrimination free workplace, and a workplace free from retaliatory discrimination.

Kendall Thieman is a protected class member due to his role as whistleblower, as to providing this information to his superiors and was retaliated against in his role of engaging as a whistleblower. Kendall Thiemann as a whistleblower started to provide information to superiors in September, October, November, and November of 2023, and again in September, October, November, and January of 2025 provided notice of potential criminal acts and/or other law violations.

These criminal acts involve violations of Washington State Law, Washington Administrative Code (WAC), ESD district Policy, and/or of Arizona state law. Some of the specific criminal acts include but are not limited to the notice of violations regarding Arizona State law was provided as to ARS 13-3620 to agents of the ESD. Additionally, facts that relate to the violation of RCW 40.16.020 have also been provided. The notice of noncompliance with WAC's includes but is not limited to the facts set above in the body of this document as to compliance with the process of creating and accessing IEPs.

It is understood and noteworthy that the potential criminal violation in Arizona is still within the statute of limitations for the State of Arizona as Danny Orrantia left the jurisdiction long before the expiration of the statute of limitations and established residency in the State of Washington after accepting employment with the ESD.

Acts of retaliation related to Kendall Thieman as a whistleblower as to the above notices of law, WAC, and/or policy violations were engaged in by Danny Orrantia, Tracy Thompson, Jenae Gomes, Amanda Mac Donald, Dr. Heather Fowler, and/or Superintendent Christine Moloney.

These include, but are not limited to the following:

- making false, defamatory statements about Kendall Thiemann, over a period of twenty months with the intent of silencing, deterring, intimidating and/or discrediting Kendall Thiemann as a whistleblower.
- Engaging in an imbalanced unfair evaluation process and the product contain a poor result having a negative impact on Kendall Thieman,

- withholding access to information regarding safety issues with respect to IEP's.,
- placement of false information in a record regarding Kendall Thiemann which appertained to the public officer's office, multiple attempts to silence or publicly discredit Kendall Thiemann regarding the content of reporting acts that may comprise a crime.

All of the above discriminatory actions are also against the public interest.

The district, and the above listed agents, have engaged in retaliatory actions against Kendall Thiemann have been directly related to the content of his grievances which were engaged by Kendall Thiemann for legitimate whistleblower activity nonexclusive, but relating to overall safety in the workplace.

The district and the above agents due to the retaliation to Kendall as a whistleblower have promoted and maintained a hostile workplace in violation of the Kendall Thiemann's civil rights and based upon his protected classifications.

As a direct and proximate result of the ESD and their agent's misconduct, Kendall Thiemann has been harmed and damaged all in an amount to be proven at the time of trial, if this matter is not resolved prior to that point.

1.57.3 Outrage/ Intentional Infliction of Emotional Distress

As set out in enumerated sections numbers 1.2 to 1.56 above, within the past two years, the District and/or its agents, the ESD Superintendent Chrisine Moloney, Janae Gomes, Tracy Thompson, Andrea Wooster, and/or Danny Orrantia, have engaged in conduct and/or actions, in their capacity as a ESD agents, both collectively and individually, against Kendall Thiemann that would shock the conscience of any reasonable person and it intentionally or recklessly caused emotional distress to Kendall Thiemann by extreme and outrageous conduct is liable for severe emotional distress and bodily harm resulted from the conduct.

This would include but is not limited to the following acts or omissions by the District and/or their agents:

- the publication of verbal and/ written false statements or false records made on or about: November 7, 2023, November 9, 2023, November 17, 2023, January 28, 2023, March 17, 2025, relating to Kendall Thiemann's engaging as to disparaging an ESD administrator, i.e. Danny Orrantia.

- From September 9, 2024, to November 25, 2025, withholding access to an IEP(s), and retaliating against the Kendall Thiemann for indicating that the IEP issue should be reported for an audit to the OSPI, and
- Recent actions described as having occurred on June 11, 2025.

The above acts were engaged in for the purpose of silencing, discrediting, and/or intimidating Kendall Thiemann from seeking internal compliance and/or publicly reporting the above acts. The above-described information that Kendall Thiemann was providing to his superiors related to potential criminal activity and violation of law, code, or policy as to the safety of students, and/or staff.

Additionally, these acts were done for the continued purpose of silencing Kendall Thiemann and deter further reporting of crimes and/or actions related to the safety of children, and staff,

Attachment to the Notice of Tort Claim

Total of 54 pages with title sheet,

Table of Contents and

the Report Narative pages enumerated below as 1-51

Gilbert Police Department

GENERAL OFFENSE HARDCOPY
(SEXUAL ASSAULT)
GO# GI 2007-131

Table of Contents

Related Event GO# GI 2007-131 1

Offense(s) 1

Related Event(s) 2

Related Person(s) 2

1. Arrestee # 1 - CALVERT, JEREMY ROSS 2
2. Arrestee # 2 - CALVERT, JEREMY ROSS 3
3. Juvenile - Victim # 1 - [redacted] 4

Related Narrative(s) 6

1. FRERER, D. (2853), CASE NARRATIVE/SUPPLEMENT - Case Notes 6
2. FRERER, D. (2853), CASE NARRATIVE/SUPPLEMENT - Narrative 8
3. VERONICA BUTLER (Inactive) (2322), FOLLOW UP - FOLLOW UP 9
4. VERONICA BUTLER (Inactive) (2322), ADDITIONAL INFORMATION ADDED - ADDITIONAL INFORMATION ADDED 22
5. VERONICA BUTLER (Inactive) (2322), ADDITIONAL INFORMATION ADDED - ADDITIONAL INFORMATION ADDED 25
6. SHARON HAINES (Inactive) (627), ADDITIONAL INFORMATION ADDED - ADDITIONAL INFORMATION ADDED 28
7. VERONICA BUTLER (Inactive) (2322), ADDITIONAL INFORMATION ADDED - ADDITIONAL INFORMATION ADDED 29
8. VERONICA BUTLER (Inactive) (2322), ADDITIONAL INFORMATION ADDED - ADDITIONAL INFORMATION ADDED 33
9. VERONICA BUTLER (Inactive) (2322), ADDITIONAL INFORMATION ADDED - ADDITIONAL INFORMATION ADDED 36
10. VERONICA BUTLER (Inactive) (2322), ADDITIONAL INFORMATION ADDED - ADDITIONAL INFORMATION ADDED 38
11. VERONICA BUTLER (Inactive) (2322), ADDITIONAL INFORMATION ADDED - ADDITIONAL INFORMATION ADDED 41
12. VERONICA BUTLER (Inactive) (2322), EVIDENCE - EVIDENCE 42

Related Clearance Information 43

Related Event Details 44

Related Property Report(s) 45

1. PROPERTY REPORT # 223141 (EVIDENCE/SEIZED) 45
   - ARTICLE (TAG # GI223141 - 1) 45
   - ARTICLE (TAG # GI223141 - 2) 45
   - ARTICLE (TAG # GI223141 - 3) 45
   - ARTICLE (TAG # GI223141 - 4) 46
   - ARTICLE (TAG # GI223141 - 5) 46
   - ARTICLE (TAG # GI223141 - 6) 46
   - ARTICLE (TAG # GI223141 - 7) 47
   - ARTICLE (TAG # GI223141 - 8) 47
   - ARTICLE (TAG # GI223141 - 9) 47
   - ARTICLE (TAG # GI223141 - 10) 48
   - ARTICLE (TAG # GI223141 - 11) 48

Related Arrest(s) 49

General Offense Information

Operational Status	CLEARED (CONVERSION)
Reported On	JAN-03-2007 1242
Occurred Between	NOV-29-2006 1900 AND NOV-29-2006 1900
Approved On	JAN-04-2007 (THU.)
Approved By	526 - KRUEGER, P.
Report Submitted By	2853 - FRERER, D.
Org Unit	INVESTIGATIONS - VIOLENT CRIMES UNIT
Address	4[redacted] E PECOS RD
Municipality	GILBERT
	District SANTAN **Beat** 25 **Grid** L17
Felony/ Misdemeanor	FELONY
Family Violence	NO
Cargo Theft	NO

Offenses (Completed/Attempted)

Offense #	1 11A-1 SEXUAL ASSAULT - COMPLETED
Statute	13-1406A SEXUAL ASSAULT - (F)
Location	GOVERNMENT/PUBLIC BUILDING
Suspected Of Using	NOT APPLICABLE
Criminal Activity	NONE/UNKNOWN
Weapon Type	PERSONAL WEAPONS (STRONG-ARM: HANDS, FISTS, FEET, ETC.)
Bias	NONE (NO BIAS)

Related Event(s)

1. AB GI2007-390

Related Person(s)

1. ARRESTEE # 1 - CALVERT, JEREMY ROSS

Sex MALE
Race WHITE
Date Of Birth [redacted]
Address
Municipality
State
ZIP Code
Personal - Home Phone Number
Personal - Cell Phone Number

PERSON PARTICULARS

Occupation BAND COACH
Employer [redacted]
Citizenship UNITED STATES OF AMERICA
Marital Status SINGLE
Ethnicity NON-HISPANIC/LATINO
Height 602 **Weight** 195 LBS.
Complexion FAIR
Eye Color BROWN
Hair Color BROWN
Additional Remarks [redacted]

CHARGE SUMMARY

CHARGE # 1

Offense Date JAN-09-2007 1221
Offense KIDNAP-DEATH/INJURY/SEX/AID (F) - COMPLETED
Charge Statute AR 13-1304A3
Charge Count 1
Domestic Violence NO

CHARGE # 2

Offense Date JAN-09-2007 1221
Offense SEXUAL ABUSE (F) - COMPLETED
Charge Statute AR 13-1404A
Charge Count 1
Domestic Violence NO

CHARGE # 3

Offense Date JAN-09-2007 1221
Offense SEXUAL CONDUCT WITH MINOR (16 OR YOUNGER) - COMPLETED
Charge Statute AR 13-1405A
Charge Count 1
Domestic Violence NO

CHARGE # 4

Offense Date JAN-09-2007 1221
Offense SEXUAL ASSAULT (INTERCOURSE W/ OPPOSITE SEX) - COMPLETED
Charge Statute AR 13-1406A
Charge Count 1
Domestic Violence NO

LINKAGE FACTORS

Age Range 18-21 YEARS
Armed With UNARMED
Offense 100- 3 KIDNAP / UNLAWFUL IMPRISONMENT - COMPLETED
Arrest Date JAN-09-2007 (TUE.)
Arrest Type PROBABLE CAUSE (I.E. LONG FORM)

2. ARRESTEE # 2 - CALVERT, JEREMY ROSS

Sex MALE
Race WHITE
Date Of Birth [redacted]
Address
Municipality
State
ZIP Code
Personal - Home Phone Number
Personal - Cell Phone Number

PERSON PARTICULARS

Occupation BAND COACH

Employer [redacted]
Citizenship UNITED STATES OF AMERICA
Marital Status SINGLE
Ethnicity NON-HISPANIC/LATINO
Height 602 **Weight** 195 LBS.
Complexion FAIR
Eye Color BROWN
Hair Color BROWN
Additional Remarks [redacted]

LINKAGE FACTORS

Age Range 18-21 YEARS
Armed With UNARMED
Arrest Date JAN-09-2007 (TUE.)

3. JUVENILE - VICTIM # 1 - [redacted]

Sex [redacted]
Race
Date Of Birth
Address
Municipality
State
ZIP Code
Personal - Home Phone Number
Personal - Cell Phone Number

PERSON PARTICULARS

Citizenship [redacted]
Marital Status SINGLE
Ethnicity [redacted]
Height [redacted] **Weight** [redacted]
Complexion [redacted]
Eye Color [redacted]
Hair Color [redacted]
Additional Remarks [redacted]

LINKAGE FACTORS

Age Range 14-15 YEARS

Type Of Injury APPARENT MINOR INJURY
Victim Of 11A- 1 SEXUAL ASSAULT - COMPLETED

RELATIONSHIP(S) BETWEEN VICTIM TO OFFENDER(S)

Relationship VICTIM WAS ACQUAINTANCE OR ROOMMATE
Offender's Name CALVERT, JEREMY R (DOB: [redacted] **Offender's Role** ARRESTEE #1

Narrative Text

Type CASE NARRATIVE/SUPPLEMENT
Subject Case Notes
Author 2853 - FRERER, D.
Related Date Jan-03-2007

Case Description: SEXUAL ASSAULT (INTERCOURSE W/ OPPOSITE SEX)
Review Date: Jan 24 2007 12:00AM
Invst Type: SEOF
Case Status: CBA
Status Date: Jan 10 2007 8:18AM
Cleared By: 2853
Investigator: 2322
Clear DVSN: CNTR
Clear Unit: P03
Assign Unit: IPER
Assign DVSN: CID
Assisgned By: 85
Assigned Date: Jan 8 2007 12:00AM
Date Due: Feb 7 2007 12:00AM
Offense Type: F
ASSGNDVSN2: CID
ASSGNUNIT2: IPER
DATE_ASSG2: Jan 8 2007 12:00AM
INVESTIGT2: 2322
ASSIGNID2: 85
DATE_DUE2: Feb 7 2007 12:00AM
RESPNBLTY: LEAD

STATUS2: ACTI
STDATE2: Jan 3 2007 12:00AM

STATUS2: ADNR
STDATE2: Jan 8 2007 12:00AM

STATUS2: CBA
STDATE2: Jan 10 2007 8:18AM
CLEAREDBY: 2853
CLEARDVSN: CNTR
CLEARUNIT: P03

ACTIONCODE: CBA
TRACKTIME: Jan 10 2007 8:18AM
TRACKOFFCR: 2853
TRACK_DESC: Closed by arrest made by (2853) FRERER, DAVID

ACTIONCODE: SMCA
TRACKTIME: Jan 12 2007 7:58AM
TRACKOFFCR: 2322
TRACK_DESC: SUBMITTED TO COUNTY ATTY

I/C DEF: JEREMY ROSS CALVERT

ACTIONCODE: SCCF
TRACKTIME: Jan 12 2007 5:19PM
TRACKOFFCR: 2322
TRACK_DESC: SUPERIOR COURT COMPLAINT FILED

CR2007-101820-001-SE

DEF: JEREMY ROSS CALVERT

Narrative Text

Type CASE NARRATIVE/SUPPLEMENT
Subject Narrative
Author 2853 - FRERER, D.
Related Date Jan-03-2007

Synopsis:

On 01/03/07 at approximately 1242 hours, [redacted] reported being sexually assaulted by band teacher, Jeremy Calvert, while in the band room of [redacted] located at 4[redacted] East Pecos Road, Gilbert.

Narrative:

On 01/03/07 at approximately 1242 hours, I was dispatched to the counseling office located at 75 East Civic Center. Upon arrival I made contact with [redacted] and she relayed the following:

[redacted] stated she had been taking drum lessons at [redacted] from band teacher, Jeremy Calvert. [redacted] said on 10/31/06 she received explicit sexual text messages and pictures on her cell phone from Jeremy Calvert. [redacted] did not save the pictures or messages and erased them. [redacted] stated on 11/29/06 at approximately 1900 hours, she was having a drum lesson at [redacted] from Jeremy Calvert when Jeremy sexually assaulted her anally. [redacted] said Jeremy usually has his girl friend present during the lessons but the girl friend was not present during this music lesson.

[redacted] stated Jeremy admitted to her of four previous rapes he was involved in.

Conclusion:

On 01/03/07 at approximately 1242 hours, [redacted] reported being sexually assaulted by band teacher, Jeremy Calvert, while at [redacted] located at 4[redacted] East Pecos Road, Gilbert.

This case is being forwarded to Gilbert Detectives for follow up.

Narrative Text

Type FOLLOW UP
Subject FOLLOW UP
Author 2322 - VERONICA BUTLER (Inactive)
Related Date Jan-11-2007

INCIDENT: SEXUAL ASSAULT
DATE: NOVEMBER 07, 2006
LOCATION: [redacted] 4[redacted] EAST PECOS ROAD, GILBERT
VICTIM: [redacted]
SUSPECT: JEREMY CALVERT

SUPPLEMENTAL REPORT 07-000000131:
On 01/03/2007, I was assigned the above listed report for follow up. Sergeant T. Baty advised me to contact Gilbert Police Officer D. Frerer, to obtain a summary of the incident, so that I could contact the victim for a Forensic interview.

Officer Frerer advised the victim, [redacted] (15), reported that on approximately 11/29/2006 while at a drum lesson at [redacted], she was sexually assaulted by her instructor, Jeremy Calvert. He further advised she reported that on approximately 10/31/2006, Calvert sent her pornographic text messages and pictures to her cellular phone.

I was able to contact [redacted] mom, Kristie [redacted] at approximately 1527 hours. I requested she bring [redacted] to the Gilbert Police Department for an interview and she agreed to do so. At approximately 1615 hours, [redacted] and Kristie arrived to the Police Department. I escorted [redacted] into Interview Room 22, where the interview was video and audio recorded. The interview began at approximately 1422 hours.

Introduction and rules for interview:
I introduced myself to [redacted] and advised her that as an employee of the Gilbert Police Department, part of my job was to speak with kids and teenagers. As part of my rapport building I told her I wanted to spend sometime getting to know her, and asked her to tell me about herself. She told me she was fifteen, a sophomore at [redacted] and played in the band. I asked her what she liked to do for fun, and she said she enjoyed hanging out with her friends and listening to music. I established that [redacted] had good communication skills and would be able to tell me what occurred in a chronological order.

After familiarizing myself with [redacted] I advised her I had a few rules to share with her. The rules I advised are listed as follows:
1. If I ask you a question and you don`t know or don`t understand, just tell me you don`t know or understand.
2. Sometimes I make mistakes too. If I make a mistake just tell me I`m wrong. Sometimes I repeat myself, so if I ask the same question twice it`s not because I want you to change your answer, I probably just forgot I asked you that question already.
3. If we are talking about parts of the body and you are not sure what I`m talking about or the terms I use, you can just ask me.
4. The last thing is, it is really important that we only talk about what really happened.

After I explained the rules, she advised she understood.

The following is a summary of my interview with [redacted]:
She began by telling me that her drum instructor, Jeremy, and her had been friends. As part of their friendship they would communicate through text messaging via their cellular phones. However, on one night Jeremy began sending text messages which she believed were "out of hand." She said she told him to stop because he had a girlfriend and he was her drum instructor. She said Jeremy agreed to stop, and their friendship resumed as normal. Her drum set lessons continued as normal, and were held every Tuesday night. Jeremy`s girlfriend, Jana, later identified as Jana Foley, was also present during the drum set lessons.

The Tuesday the incident occurred, Jana left early, leaving only Jeremy and [redacted] in the band room. [redacted] became worried when Jana left, fearing Jeremy would "try something," since no other persons were present at the school. The drum lesson went on as normal for approximately thirty to forty-five minutes, leading [redacted] to believe Jeremy would not attempt any sexual contact.
Jeremy then asked [redacted] about the picture she received, which he had sent her. She went on to explain that Jeremy had sent a picture of his penis to her cellular phone on a previous occasion, which she received after advising him not to send her sexual related text messages. She said she advised him the picture she received was of him. Jeremy asked [redacted] if the camera in her cellular phone worked. She told him it did not and he asked her several times if she would take pictures of herself with his cellular phone, which she refused.

[redacted] described herself sitting on a chair in the drum section of the band room. After Jeremy`s failed attempts to have [redacted] take a picture of herself with his phone, he moved from one side of her to the other. He then began to "play" with the back of her underwear and asked her what kind of underwear she had been wearing. She told him they were blue and he told her she needed to start wearing thong underwear on band lesson days. [redacted] told him they were uncomfortable to wear while drumming and he again told her she needed to wear them.

[redacted] continued drumming and Jeremy blurted out, "chicken or brave?" [redacted] said she did not know what that meant and Jeremy described it to her. She said Jeremy placed his hand on the lower portion of her thigh and repeated, "chicken or brave?" [redacted] responded, "Chicken," and Jeremy removed his hand from her thigh. He then proceeded by placing his hand back on her thigh to show her what "brave" meant. She further explained that he showed her "brave" by touching her crotch area over her clothing and "really brave" by placing his hand inside her pants and underwear and touching her. She further described the touching as him putting his hand down the front of her pants and attempted to "finger" her. She said he did in fact put his fingers in her vagina. [redacted] said he asked her again if she was "chicken" or "brave" and she said "chicken," so Jeremy told her to continue drumming. [redacted] thought he would stop and that the drum lesson would continue. She said Jeremy put his hand on her waist and "private area," so she messed up on purpose so that he would get off of her. [redacted] moved over and began drumming again. She asked Jeremy for help and attempted to change the subject so that he would discontinue his behavior. Jeremy asked her if his actions made her uncomfortable, and she told him it did.

[redacted] said she continued to drum even though Jeremy pursued her. She stated she felt like she could not stop the drum lesson because she had to see Jeremy daily at the school and was worried he would use his authority to get her in trouble with the band director and

school. She went on to explain the importance of band to her and that she would be able to get scholarships if she participated in band. She said she attempted to divert his attention from her by asking for help with her drums. Jeremy assisted her and gave her band related instructions to follow. Jeremy then used a stick to poke her body. [redacted] pointed to her waist and buttocks area to describe where he poked her. [redacted] said she pressed down in the seat so that he would not be able to poke her buttocks area. Jeremy stopped attempting to poke her and [redacted] believed he would not make any further attempts.

Jeremy then advised [redacted] she had fifteen minutes of lessons left and gave her band related instructions that required her to stand up and walk to a board. Jeremy began to write on the board but stopped after writing a seven over an eight. As [redacted] stood next to the board, Jeremy put the marker down and placed his hand in her pants and "fingered" her, by placing his fingers in her vagina and moving them around, as he pulled her towards him. [redacted] said she attempted to pull away from him and divert his attention, but he would not let go. [redacted] said Jeremy stood facing her, at her left side, with one hand on her right shoulder and the other hand in her pants. She said to the right side was the board and directly behind her was a stack of boxes. [redacted] then described how at that moment she recalled him telling her about three incidents in the past where he had been accused of rape. She went on to say, "He was going to do it one way or the other. If I would have hit him he would have hit back. He`s going to the marines and he`s been training. He goes to the gym every single day and if I would have tried anything like that it just would have ended up worse." She said because of those reasons she suggested they go into a practice room.

Once in the practice room, [redacted] told Jeremy she did not want to do anything bad. He asked her what she wanted to do and she told him, "Nothing. Can we just go?" Jeremy pursued her by repeatedly asking what she wanted to do. Jeremy pulled her to him and attempted to kiss her and make out with her. [redacted] moved her head in an attempt to get away from him. Jeremy then pushed her up against a wall and pulled [redacted] `s pants down, which she described as sweatpants with a drawstring which had been tied in a knot. She said she attempted to pull her pants up each time he pulled them down. She said he did "stuff" to her and made her do "stuff" to him. She later described "stuff" as oral sex. [redacted] said when he pulled her pants down Jeremy started "eating her out," which she later described as him putting his mouth on her vagina, as she stood still. She told him she did not want to do anything. [redacted] then pulled her pants back up and Jeremy attempted to stop her and told her he was going to do the same thing. [redacted] said she told him she did not want to do anything and thought he was going to have sex with her. Jeremy told her he was just going to do the same thing and to calm down. Jeremy then pulled her down and laid her on the floor and pulled her pants down. He then performed oral sex again by putting his tongue in her vagina. She said at that time he also put two fingers in her vagina and one finger in her anus, while he performed oral sex. When he was done [redacted] got up off the floor and pulled her pants up. Jeremy then pushed her down and [redacted] told him, "I don`t want to do this Jeremy." Jeremy replied, "Oh you`ll be fine," and made her "blow" him, which she described as putting her mouth on his penis. She said Jeremy unbuttoned his pants and pulled them down to his upper leg area, then pushed her down so that her head was at his crotch area.

[redacted] said after performing oral sex she asked him for the time and told him she had to leave. She then told him she had to call her mom or her mom would get mad at her. She said she attempted to leave and put her hand on the door handle and began to open it. She saw Jeremy sit on a chair and asked him what he was doing. Jeremy grabbed her arm and pulled

her to him and said, "No, wait." Jeremy then pulled his pants down and she again told him she had to go. Jeremy pulled her pants down and sat [redacted] on his lap facing away from him, and asked her if she wanted "it" in her, and [redacted] replied, "No." He asked her if she "was sure," and [redacted] again told him, "No, I don`t. I don`t want that to happen." [redacted] said Jeremy attempted to put his penis in her and she physically attempted to keep him from doing so by blocking herself with her hand. Jeremy repeatedly asked her if she was sure. [redacted] said she checked to make sure he did not put his penis in her and realized that his penis was in her anus. She described herself as being in shock and trying to get out of the room. She described the shock as a defense mechanism she uses, which makes her senseless, where she does not notice her surroundings or hear, see or feel anything to avoid realizing what is happening. She said she then felt Jeremy began to move back and forth and described the feeling as weird. The assault last approximately one to two minutes when Jeremy ejaculated. After Jeremy ejaculated he lifted her up and told her she could go ahead and call her mom. [redacted] left the room. Jeremy approached her again and attempted to hug her in what she believed was him wanting more. She moved out of the way and kept going towards the door and left. [redacted] has not spoken to him since.

[redacted] said Jeremy did not threaten her, but at the start of the assault Jeremy told her that she could not tell anyone what he was doing. She said he repeated that several times. [redacted] said she felt intimidated by him, further describing that he is taller than her, and she was unaware of what he would do to her. She said she felt as though she could not leave the room because he stood in front of the door. When she attempted to leave he grabbed her hand, which she had on the door handle, and pulled her away from the door.

[redacted] said she was sure Jeremy ejaculated when she arrived home and went to the bathroom and noticed "creamy gooey stuff that was almost like a liquid," after wiping herself. She believed he ejaculated inside her and said he did not wear a condom. She said she did not have any bleeding or known injury as a result of the assault. She said she has never had sexual intercourse, not anal or vaginal. I asked her how she knew what Jeremy had wanted her to do, when he had pushed her down towards his crotch. She said because he had asked her during the previous text messages, and also reminded me that she was in high school so she knew about sex.

[redacted] described his penis as a normal penis, not big and could not remember any marks on it. She said it was pale in color. She said he did not shave and had pubic hair. She described Jeremy as a tall white male, approximately six feet two inches tall, with brown hair, and an occasional goatee.

I had [redacted] described to me the text messages she had received from Jeremy. She said the messages were received on Halloween. They began with Jeremy asking her what she wore to sleep. He told her what he wanted to do to her and asked her what she would do to him. He asked her if they had sex would she let him have sex with her "up her butt." He told her really "liked" that, (anal sex), and asked her she would give him "blow job." [redacted] told him she would not. [redacted] said Jeremy was aware that she did not like boys so she had no interest in sexual contact with boys. [redacted] said the next day she told Jeremy she was not comfortable with the text messages and no longer wanted to text him. She said he responded by saying, "I don`t want to make you do anything you don`t want to do." [redacted]

was grateful believing he was done.

On one occasion he had sent her a text message asking her if she was "horny." She said she told him she was not and he said, "Well maybe this will help." He then told her he sent her a picture. [redacted] said it takes several days for her cellular phone to receive pictures so she did not immediately receive any pictures. [redacted] said she received a picture of his penis approximately a week and a half later and immediately deleted it.

[redacted] then described to me what Jeremy had told her about the females who had accused him of rape. She said at one time Jeremy told her he hated it when he has sex with a girl and she calls it rape. He told he had been accused of rape by three girls while a student at [redacted] One of the girls he said told him she was pregnant but later found out she was not. [redacted] did not know if the accusations were substantiated.

I asked [redacted] if she could think of anything else that would be important for me to know that I had not asked about. [redacted] advised that last year, Jeremy had sent text messages to her friend, [redacted] telling her she looked good and that he wanted to go out with her. The girls then showed the messages to Mr. O, later identified as Mr. Daniel Orrantia, the Band Director at [redacted]. [redacted] said there was no consequence to Jeremy for sending the text message because Mr. O believed Jeremy`s word over the students.

[redacted] denied any prior relationship with Jeremy other than a friendship. She also denied any conversation of a relationship with Jeremy, and said at no time was he under the impression that she was or could be his girlfriend. She advised his girlfriend, Jana, was also employed at [redacted]. She said she met Jeremy the second semester of the last school year, while playing in band. She said they became friends and she spent a lot of time with him learning drums and while in band camp over the summer. She said he instructed the winter drum line and marching drum line at the school, as well as teaching private drum lessons after school. She said Jeremy only teaches private lessons to her and a freshman female named [redacted] [redacted] pays Jeremy $20.00 per lesson one hour lesson. The lessons began in September and continued through November when the incident occurred. She advised Jeremy had planned on entering the military, and believed he was scheduled to leave within a couple of weeks.

[redacted] said she told her friends [redacted] and [redacted] about the assault, because she needed someone to talk to and to help her figure out what exactly she should do. At this time [redacted] and [redacted] have not been contacted.

A photo line-up was shown to [redacted] at the conclusion of the interview. [redacted] was first read the Photographic Show-Up Admonition at 1735 hours. [redacted] looked over the photo line-up and choose subject #4. I asked her why she chose subject #4. [redacted] said the "smile and grimace is the same." She also said his face was "puffier" and his style was "different." The subject she chose is identified as Jeremy Ross Calvert, the suspect later arrested for the assault.

[redacted] and I discussed the possibility of a confrontation call and/ or sending Jeremy a text message to initiate the confrontation call. [redacted] advised me she and her mother had discussed doing a confrontation call and both agreed it would be valuable. Once a possible

telephone number for Jeremy was located [redacted] sent him a text message. The message requested Jeremy to call [redacted] Jeremy did not respond to the text message.

***The interview was video and audio recorded. It has been impounded into the Gilbert Police Property and Evidence Building. Refer to the recording for full content of interview.

JANUARY 04, 2006

On 01/04/2006 at approximately 1025 hours, [redacted] and her mother, Kristie [redacted] arrived to the police department. [redacted] advised she received a text message from Jeremy on 01/03/2006 at 2033 hours. The text message said, "Who is this?" She responded, [redacted] She then received a second message at 2035 hours. The message said, "Don`t text me."

At approximately 1033 hours, [redacted] attempted a confrontation call to Jeremy. There was no answer and [redacted] left him a voicemail message to return her call. [redacted] attempted a second confrontation call but did not leave a voicemail message.

I then contacted the SANE Nurse at the Mesa Center Against Family Violence to arrange a sexual assault examination for [redacted] I was advised the examination could be conducted for injury documentation and cultures. I advised Kristie and [redacted] and they agreed to go. At approximately 1200 hours, Kristie, [redacted] and I arrived at the Mesa Center. At the conclusion of the exam the Nurse advised me she observed injury to [redacted] `s hymen, which could be consistent with [redacted] `s report of being digitally penetrated.

***A copy of the report will be impounded into the Gilbert Police Property and Evidence Building. Refer to the report for details on injuries located.

I then requested [redacted] return to the Police Department for further attempts at the confrontation call. They agreed and drove directly to the Police Department. Several attempts were made with negative results. [redacted] called Jeremy`s cellular phone at 1444 hours, 1445 hours, 1446 hours, 1449 hours, 1452 hours and 1500 hours.

JANUARY 7, 2007
On 01/07/2007 at approximately 1800 hours, I attempted to contact Mr. Daniel Orrantia, the Band Director for [redacted] and left a voicemail message for him to return my call. I did not receive a return call from him.

JANUARY 8, 2007
On 01/08/2007 at approximately 0800 hours, I contacted Principal Robert Mileham at [redacted] I advised him of the accusations and requested to speak with Jeremy. Mr. Mileham left his office and attempted to locate Jeremy. He returned a short while later, and advised Jeremy had been present for "A" hour, but was no longer present. He advised "A" hour was scheduled from 0645 hours to 0740 hours. Mr. Mileham advised he had also asked Mr. Orrantia about the accusations of prior knowledge of Jeremy sending inappropriate text messages to other female students, to which he said Mr. Orrantia denied.

At approximately 0907 hours, Officer J. Cooke and I contacted Jeremy at his residence, [redacted] an apartment which he shares with his girlfriend, Jana Foley. I advised Jeremy at the door that I wanted to speak with him and he

invited us into his apartment. Upon entering his apartment, I asked him if he knew what I needed to speak with him about and he said he did. I then advised him I would be reading him his Miranda Rights. At approximately 0911 hours, I read Jeremy his Miranda Rights. Jeremy stated he understood his rights by saying, "Yes." I then asked him if he was willing to speak with me and he said, "That`s fine."
The following is a summary of my interview with Jeremy Calvert on 1/8/07:
I advised him of the allegations and Jeremy said he had been aware of why I was contacting him. Jeremy denied any sexual contact with [redacted] and denied sending any text or picture messages to [redacted]`s cellular phone. He said he believed the last private lesson with [redacted] was approximately the first Tuesday of November. He said he instructed private band lessons with [redacted] and a female student named [redacted] on Tuesday nights. [redacted]`s lessons began at approximately 1830 hours until 1930 hours. [redacted]`s lessons began after [redacted]`s at 1930 hours until 2030 hours. He said his girlfriend, Jana Foley, was present for the entire length of all lessons. He said the lessons were conducted in the band room and the practice rooms were never used. He said any sexual conduct with any of his students would be "completely unprofessional."

Jeremy advised two former [redacted] classmates had accused him of raping them after he had sex with them. He advised their names were [redacted] and [redacted] He said he did not believe either of them made any reports to the police.

Jeremy attempted to discredit [redacted] allegations by saying she had told him about previous sexual activities. He initially stated it his understanding that [redacted] was a lesbian. However, he added that [redacted] told him she had oral sexual contact with both male and females.

I asked Jeremy about the blue underwear [redacted] wore the night the incident occurred and Jeremy denied having any knowledge of the underwear I was referring to. I advised him of the possibility of his DNA on her underwear. Jeremy facial expressions changed, and his hands began to shake nervously. I asked him if his DNA would be located on her underwear and he initially responded, "No." He then asked "Why?" and said, "There shouldn`t be." From this point in the interview, Jeremy continued to deny any sexual contact with [redacted] However, his nervous demeanor remained. I observed his hands were shaking, the inflection of his voice changed and became shaky and hesitant.

I provided him with my contact numbers so that he could call me; if after thinking over our discussion, he decided he had anything further to tell me. Jeremy agreed and also provided me his work telephone number in the event I had to contact him for further information.

This concluded my initial contact with Jeremy. The interview was audio recorded and the recording has been impounded into the Gilbert Police Property and Evidence Department. Refer to the audio recording for full content of interview.

At approximately 1330 hours, I contacted Kristie [redacted] and requested [redacted] voluntarily agree to do a CSVA (Computerized Stress Voice Analysis,) and a list of names of the friends [redacted] had told about the sexual assault prior to contacting police. She agreed to the CVSA and stated she would hand deliver the names and contact telephone numbers for the students. Kristie also told me she had been able to locate her cellular phone statement which detailed and itemized the incoming and outgoing text messages for [redacted]`s cellular phone. She said she had been surprised to see the amount of texts messages to and from Jeremy`s

cellular phone. She stated she would also bring the original statement to assist with the investigation.

At approximately 1400 hours, I left a voicemail message for Jeremy in an attempt to have him volunteer to do a CVSA.

At approximately 1615 hours, Kristie arrived to the Gilbert Police Department. She provided me with the names of four friends whom [redacted] had told about the incident or showed the text messages to. She also provided the name of the female who had in the past received the inappropriate text messages from Jeremy. The names are as follows:
[redacted]

Kristie also provided me with pages numbered 23 to 78 of her Cingular cellular phone statement, which showed all of the incoming and outgoing telephone calls and text messages and pictures for [redacted] cellular phone. The statement showed from October 29, 2007 at 1042 hours to November 08, 2007 at 0954 hours, approximately three hundred and twenty-four text messages had been sent between [redacted] cellular phone and Jeremy`s cellular phone and one multimedia message had been sent from Jeremy`s cellular phone to [redacted] cellular phone. That statement has been impounded into the Gilbert Police Property and Evidence Department.

At approximately 1630 hours, I attempted to contact Jana Foley and left her a voicemail message to return my call.

NOVEMBER 09, 2007
On 11/09/2007 at approximately 0852 hours, I left a voicemail message for Jeremy to return my call.

At approximately 0853 hours, I contacted Jana Foley, via telephone. Jana said she was present for all the private lessons conducted by Jeremy. She said if she left any of the lessons it would have been only briefly to pick up pizza. Jana said she remembered [redacted] last attended lesson and present for it. She added that she remembered seeing [redacted] leave her lesson upon completion. She said she did not recall any lessons having occurred after Thanksgiving, and prior to that [redacted] had cancelled at least one lesson and just did not show up for a couple of them. I asked her if Jeremy was present and if I could speak with him.

I then spoke with Jeremy. I asked Jeremy if he would be able to go to the Gilbert Police Department for a second interview. Jeremy agreed and said he would meet approximately twenty to thirty minutes later.

At approximately 1000 hours, Jeremy arrived to the Gilbert Police Department and was escorted into interview room 23.
The following is a summary of the interview with Jeremy Calvert:
I began the interview by asking Jeremy if he remembered his Miranda Rights which I had read to him the day before. Jeremy said he did and I asked him if understood his rights and he sad he did. I asked Jeremy if would be willing to have a CVSA done to help disprove the

allegations. After explaining to Jeremy the process of the CVSA he stated he would not consent to the CVSA.

Jeremy started by telling me he believed [redacted] last lesson was the first Tuesday of November. Throughout the first part of the interview Jeremy denied any sexual contact with [redacted] both forced and consensual. I then presented Jeremy with the statements for [redacted] cellular phone showing the received and sent text messages to and from Jeremy. Jeremy denied sending any pictures to [redacted] He then said if there were any texts sent to [redacted] it would have been because she was informing him that she would not be in practice. He said those texts would have been sent late morning to mid afternoon. I advised him that a majority of the messages were sent between midnight and two o`clock in the morning. Jeremy replied, "I`m not up between twelve o`clock and two." I then asked him if anyone else had access to his phone. Jeremy replied, "No." I then explained to him the statement and provided him with dates and times that messages were sent and who sent the messages. I advised him that on the 31st of October it showed a point where [redacted] stopped sending him messages and he proceeded to send several messages to her. I advised him that [redacted] had reported that on that night the text messages became pornographic in nature and she had told him not to send that type of message and then discontinued sending him messages. Jeremy`s response was, "Okay." I asked him if he was choosing to deny having sent her any messages and Jeremy said, "I have never talked to her in a pornographic manner, because honestly that`s disgusting. I have a beautiful girlfriend. How old is she? Sixteen?" I then advised him she was fifteen. Jeremy continued to deny any inappropriate messages to [redacted] and said only a few messages had been sent to [redacted] and they were all in reference to band lessons.

Jeremy admitted to sending messages to [redacted] the year prior but said they were also not inappropriate in nature. He said after it had been reported to Mr. Orrantia, he discontinued sending her messages. He contended that he just tried to be friends with the students.

I then advised Jeremy a request would be made for the content of the text messages sent to [redacted] and asked him if there would be anything to be concerned about. Jeremy said there was not.

Jeremy said, "Just out of curiosity, let`s say that I was texting her or this did happen and it`s consensual, what happens there? Am I still charged?" I explained to him the obvious differences in two people having consensual sex and forcing sex upon a person. Jeremy had an interest in the difference in penalties for having consensual sex with a minor and sexual assault. He continued to deny any sexual contact with [redacted] and sending her texts messages in the middle of the night and unrelated to band lessons.

In a last attempt, Detective Bueno knocked on the door and entered the room. He advised Jeremy the content of the text messages had been received and to begin telling the truth about them. Jeremy stopped speaking, sat back in the chair and remained silent. He then put his head on the table. I asked Jeremy to tell me what happened. Jeremy began motioning his hand and asked if he could write. I handed Jeremy a blank piece of paper and a pen. Jeremy then wrote the following:

"I don`t want Jana to find out please. I made an extremely bad mistake. It happened. In no

way, shape or form did I ever force her into anything. I didn`t hurt her, and I never stopped her from leaving."

Jeremy handed me the note and began to cry. Jeremy then provided the following details of the incident:

He was unaware of what day it occurred but said it occurred at the school. He advised Jana had not been present the night the incident was occurred. He later said he had told Jana he would walk home so that she could leave. He advised what [redacted] had reported reference the text messages had been correct. He said both anal and oral sex occurred as reported. He said he performed oral sex on [redacted] and she performed oral sex on him. Jeremy said they had spoken about it and "it just happened." He continued to cry and said he did not want Jana to know about any of it and was concerned about what she would find out in court.

He said the sexual conduct did not begin until half way through the lesson. He said there was sexual excitement between him and [redacted] He said sexual comments had been made in the band room prior to any sexual activity. He started the comments by asking her if she liked the picture he sent. He said she replied, "It was awesome." They continued joking and he touched her butt while they were at the drum set. It evolved from him grabbing her butt into "mutual masturbation." However, he later said that [redacted] did not touch his penis prior to entering the practice room. He recanted and said she did touch his penis, but only outside of his pants, and while at the board. The first time he put his hand on her butt, under her pants and underwear, was while at the drum set. He described what happened at the drum set as more of a physical flirtation. He said he touched her vaginal area both under her underwear and over her pants while at the drum set and at the board. He said their clothing remained on while in the band room.

While they were at the board [redacted] suggested they go into a practice room. When they entered the practice room, they started "making out" and "feeling around." He described what he did as kissing her and touching her breasts and vaginal area over the clothing. He said he kissed down her body and pulled her pants down and performed oral sex on her. He said after he performed oral sex as they were standing, he helped her to the ground where he again performed oral sex and he fingered her. During this act [redacted] laid on the ground and her pants and underwear were off. He said he placed his hand up her shirt but did not take her shirt off. "I gave oral and fingered her at the same time." He said he fingered her both vaginally and anally.

He said after he completed oral sex on her she told him she had never done that before. He said he interpreted it as she had never "had it that way." He added that while in the practice room their pants and underwear never completely came off, only to the point where they could "access everything." He said he took her pants off first but she did not stop him or tell him not to. He said they were standing when he removed her pants.
.
When they got up off the ground, [redacted] pulled her pants back up. That is when [redacted] began to perform oral sex on him. He said [redacted] performed oral sex after they got up off the floor. He said she pulled his pants down to his ankles and performed oral sex. While she performed oral sex his hand was on her breast and on her head in enjoyment. He said she did not perform oral sex for very long possibly for two or three minutes.

After she completed oral sex on him his pants had "come off." They then began to "dry hump" as they were standing. He said there was a point where they were facing each other and their genitals were touching. At one point she had either turned around or he went behind her and they continued to touch each other. It was at that time that [redacted] suggested they should leave, and Jeremy believed he said, "Okay," then sat down in the chair. He said he continued touching her and [redacted] sat on his lap. Jeremy then vaginally "fingered" her. [redacted] then stood up and put his penis inside her butt. Jeremy ejaculated inside her anus, and the sexual activity stopped.

He said after it happened [redacted] said she had to leave and he left. He said he did not force her into a sexual contact she did not want, and he did not stand at the doorway to prevent her from leaving. He said [redacted] never refused his advances and participated voluntarily. He said while in the practice room [redacted] said she had never given a guy oral sex or had anal sex. He said he never made her touch him. However, while at the board he was leaning into her and she made her way to grabbing his crotch. He said there was numerous times where he asked [redacted] if she wanted to stop. He said her response to him was that she did not want to do anything too bad, which he guessed would be have been vaginal sex. He said [redacted] could easily have stopped him or she could have said "no" and he would have stopped.

He said he recalled [redacted] had made a comment about having to go home, and suggesting they should leave while in the practice room. He said when the incident was over they hugged prior to leaving. He said she never appeared to be in any pain or scared. He said he even asked her if she was okay and she responded by saying "yes."
He said they decided on anal sex, based on him not having a condom and her not wanting to do anything that bad. He said at first he did not even know they were having anal sex, he believed it was vaginal sex until he reached around the front of her and touched her vaginal area. He said he had anal intercourse only one time prior, but thought it was "gross."

He said they both agreed not to tell anyone what had happened the night of the incident. He said he reason for having sex with [redacted] was because he and Jana had not been having sex

He said he noticed that she had stopped attending the lessons and stopped talking to him and he wondered if she was mad at him or uncomfortable around him. He said he did not attempt to talk to her because he figured she had "dropped it." He then said he did try to talk to her but to some degree she steered clear of him.

He then admitted to sending her a picture of his penis. When she confronted him with the picture he asked her what picture she received. He said he asked because he wanted to make sure she received the right one. He described the text messages as phone sex. While sending her text messages they both sent messages reference masturbating as they sent the messages. He said she did not send him any pictures of herself, but he had asked her to. He said [redacted] told him she wanted to have oral sex, anal sex and vaginal sex with him in the conversations before the incident occurred.

He said he did not know why [redacted] would allege he assaulted her. He reasoned that her parents may have coerced her into alleging rape because they could not accept that she was not a "good" girl as they thought she was. He said two other females while he was in high school also alleged rape. He said one of the girls did not say he raped her, but the rumor at the school was that he had sex with her and left her. With the second female, he said "it

happened" and her best friend told her to "take him to the cops." He explained that incident was more of a one night stand. Both incidents occurred while he was a senior at [redacted]

At approximately 1221 hours, Jeremy was placed under arrest handcuffed.

***The interview was audio and video recorded. The recording was impounded into the Gilbert Police Property and Evidence Department. Refer to the recording for full content of the interview.

January 10, 2007
On 1/10/2007 at approximately 1630 hours, [redacted] and Kristie [redacted] arrived at the Gilbert Police Department because [redacted] had volunteered to have a CVSA conducted. I informed them that the detective who was to do the CVSA would not be able to conduct it until a later date. [redacted] then advised the media had provided the wrong date for the incident. I explained to her the date listed was the date Jeremy had provided. [redacted] said she specifically remembered the incident occurred the Tuesday following Thanksgiving Day. I advised her I would note the date change in the report to November 28th, 2006.

CONCLUSION:
On 11/28/2006 at approximately 2000 hours, Jeremy Ross Calvert committed:
1. Sexual Assault, ARS 13-1406A, a Class 2 Felony, A. A person commits sexual assault by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person without consent of such person.

2. Sexual Abuse, ARS 13-1404A, a Class 5 Felony, A. A person commits sexual abuse by intentionally or knowingly engaging in sexual contact with any person fifteen or more years of age without consent of that person or with any person who is under fifteen years of age if the sexual contact involves only the female breast.

3. Sexual Conduct with a Minor, ARS 13-1405A, a Class 6 Felony, A. A person commits sexual conduct with a minor by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person who is under eighteen years of age.

4. Kidnapping, ARS 13-1304A3, a Class 2 Felony, A. A person commits kidnapping by knowingly restraining another person with the intent to: 3. Inflict death, physical injury or a sexual offense on the victim, or to otherwise aid in the commission of a felony,

when he intentionally, knowingly and forcefully engaged in anal sexual intercourse, oral sexual contact and sexual contact with [redacted], a fifteen year old female. The incident occurred when [redacted] attended a regularly scheduled private band lesson, instructed by Jeremy Calvert, at [redacted]

The incident began inside the band room where Jeremy digitally penetrated her vagina with his fingers. The incident proceeded when Jeremy and [redacted] went into a private sound proof practice room, where Jeremy performed oral sex, digitally penetrated her vagina and anus, had her perform oral sex on him, described by the victim as him pushing her down so that her face was near his penis leading her to believe she had to perform oral sex, and pulling

her to him as he sat in a chair with his pants down and put penis into her anus. The victim said she felt as though she was unable to leave because Jeremy stood at the doorway blocking her exit. She said she also felt intimidated and scared that if she did not comply he would become violent because she told him several times to stop. Calvert admitted to having anal sexual intercourse, oral sexual contact, digitally penetrating her vagina and anus, touching her breasts and ejaculating in her anus.

He was later booked into 4th Avenue Jail. Further interviews to be conducted.

Narrative Text

Type ADDITIONAL INFORMATION ADDED
Subject ADDITIONAL INFORMATION ADDED
Author 2322 - VERONICA BUTLER (Inactive)
Related Date Jan-17-2007

SUPPLEMENTAL REPORT 07-000000131:

On 01/17/2007 at approximately 0817 hours, I contacted [redacted] via telephone. I advised [redacted] I had been conducting an investigation of a sexual assault and in the course of the investigation, it was mentioned that she may have been a victim of a similar incident by the same suspect. I told [redacted] that Jeremy Calvert had been arrested for sexual assault and during his interview he stated she had accused him of sexual assault while they attended high school and she said, "Yes."

I asked [redacted] if she knew Jeremy Calvert and she said she did. I asked her if she would be willing to tell me what her relationship had been with Jeremy. [redacted] began by saying they had been good friends. She said she had been best friends with his ex girlfriend, [redacted] She said on a Friday, football game night, Jeremy requested [redacted] take him to his house to get pants and then requested she take him back to the school. She said she would but she had to stop by her house to get socks. She said initially she worried about taking him to her house because of what he had done to [redacted] the week before. She said she thought her sister-in-law would be home so nothing would happen. Upon arrival to her home, Jeremy asked if he could go into her home. She told him "No," that she would be right out. He then told her he would go in anyway. Once inside the house, she realized her sister-in-law was not home. She said Jeremy began touching her, and made her lay on her bed. She said, "He put his dick in and totally ripped me." She clarified that his put his penis in her vagina. She said she told him, "I really don`t want to do anything," but Jeremy said, "It`s okay it`s okay."

At that point I requested [redacted] meet me at the Gilbert Police Department to complete the interview. [redacted] agreed to meet with me at approximately 1000 hours.

[redacted] arrived at the Gilbert Police Department at approximately 1000 hours. I escorted her into interview room 22, where the interview was both audio and video recorded.

The following is a summary of the interview of [redacted]

[redacted] said the incident occurred on a Friday and they attended school half day. She said Jeremy had been sitting at the school in the band hallway. Jeremy asked her if she could give him a ride to his house to get a pair of shorts. [redacted] said she was surprised he asked her for a ride. Further saying the only reason they had been friends was because she and his ex-girlfriend, [redacted], were friends.

[redacted] agreed to give him a ride to his house. Once at his house he exited the vehicle and told her he would be right back, so she could give him a ride back to school. When he returned to her vehicle [redacted] said she told him she had to stop by her house to pick up a pair of socks. She said she had heard about what happened to [redacted] the week before but thought her sister-in-law was at the house, so she would be okay. Once they arrived at her house she told him she was just going to run into the house to get her socks, and he said he would go with

her. Jeremy then followed her into her house and into her bedroom. [redacted] had gone into her bedroom to get her socks, when Jeremy suggested they stay at her house for awhile. [redacted] said, "No, I got to go." She reminded him that she had guard practice and he had drum line practice, but Jeremy insisted on staying at her house. Jeremy then grabbed her and stuck his hand down her pants and started touching her. [redacted] later clarified that Jeremy approached her from behind, stuck his hand down her pants and put his fingers in her vagina. She continued by saying that she had never had any sexual contact with anyone prior to Jeremy putting his fingers in her vagina. As Jeremy put his fingers in her vagina she said to him repeatedly, "Jeremy we have to go." Jeremy replied back, "No, no lets just stay." She again told him they had to go and Jeremy, who had been holding her from behind, flipped her around and kissed her. When he kissed her she moved away, because she did not want to do anything with him. Jeremy then pushed her onto her bed and completely removed her pants. She was on her back on the bed when Jeremy "stuck his dick" inside her vagina. When he did this she pushed him back because it "hurt so bad." Jeremy did not put anything on his penis. She said after a while Jeremy pulled his penis out of her, and she observed it covered in blood, from what she believed was her "tearing." Jeremy then asked her if she would give him a "hand job," to which replied, "No." Jeremy then got up and went into the bathroom. [redacted] said she stayed on the bed and attempted to clean the blood off of her. She then put the sheets in the washer because they had also been covered in blood.

[redacted] initially told Jeremy, "I don`t want to do anything, I don`t want to do anything." Jeremy persisted by saying, "It`s okay, it`s okay." [redacted] realized Jeremy would not stop so she began telling him that she had to be at guard practice, which he also disregarded, by saying, "No, no."

She said Jeremy displayed a normal demeanor towards her and was not aggressive. She described his demeanor as, "go to it and do what I want to do." She said he was not "aggressive mean," it was more of an "I want to do this so I`m going to do it." She said she did not fight back but did not want it to happen. She said she was scared Jeremy would "say stuff" to other people if she said no, and she did not want to cause any problems with their friendship. She said because it was the first time she had any sexual contact she was nervous and thought, "Oh my gosh, what`s going on?" She said she did not want to have sex until she was married.

[redacted] said she told [redacted] and [redacted] about what had happened. She said [redacted] did not seem surprised by Jeremy`s actions. [redacted] said within two weeks "all three of us got it." She clarified that she did not believe [redacted] had been sexually assaulted because [redacted] and Jeremy had been dating. However, [redacted] told her that Jeremy had gone to her home and "had rough sex," and clarified by saying their sex had been different than usual. She said within approximately one week of that, [redacted] had also been sexually assaulted by Jeremy. [redacted] added that [redacted] did not tell her what had happened until [redacted] had told them about what Jeremy had done to her. She did not tell anyone else until she told her parents approximately one year later.

I asked her if she knew what had happened to [redacted] She then said Jeremy had a way of "coaxing you into doing it." She said [redacted] had told her about a date she had been on with Jeremy. While on that date [redacted] and Jeremy went to a park "where the same thing happened to her." [redacted] told [redacted] she did not fight back and she just let it happen. [redacted] told her she did not want to do "it." [redacted] said that Jeremy had been their friend and they did

not want to cause any problems with their friendship

Jeremy did not speak to [redacted] for approximately one week. When Jeremy did speak to her it was because [redacted] told him [redacted] missed her period. Jeremy then approached her and asked her if she was "okay."

[redacted] stated she did not have any injuries other than being sore.

She said they told two other friends (NFI) and she did not believe Jeremy had assaulted them. She said they had not spoken about the incidents since they occurred, until recently when they saw on the news that he had been arrested. I asked her what she thought when she saw Jeremy on the news. She said, "It`s about time he got caught."

[redacted] refused prosecution. This concluded my contact with [redacted]

The interview was audio and video recorded. Refer to the recording for full content of the interview. The recording was impounded into the Gilbert Police Property and Evidence Department.

Narrative Text

Type ADDITIONAL INFORMATION ADDED
Subject ADDITIONAL INFORMATION ADDED
Author 2322 - VERONICA BUTLER (Inactive)
Related Date Jan-18-2007

SUPPLEMENTAL REPORT 07-000000131:

On 01/17/2007 at approximately 0811 hours, I attempted to contact [redacted] I spoke with her mother, Christine [redacted] who provided me with [redacted] cellular phone number. I called [redacted] cellular phone and left a voicemail message for her. At approximately 1104 hours, I received a call from [redacted] [redacted] agreed to meet with me at the Gilbert Police Department at 1300 hours. .

On 01/17/2007 at approximately 1319 hours, I escorted [redacted] into interview room 22 and the interview began. It should be known the interview was audio and video recorded, however, the recording began approximately seven minutes into the interview.

The following is a summary of my interview with [redacted]

[redacted] stated she met Jeremy her freshman year at [redacted]. They participated in band together. She advised Jeremy had been the center snare and was in charge of the drum line, and she participated in the guard (flag line.) She said Jeremy and [redacted] had been boyfriend/ girlfriend from approximately their sophomore year to their junior year. After Jeremy and [redacted] broke up, Jeremy began instant messaging [redacted] The messages began with friendly conversation and progressed into a more sexual conversation.

She described Jeremy as a popular guy within the band unit, saying that everybody knew him and liked him. She said many of the females had crushes on him and he was friends with all the male students. She said Jeremy`s position within the band unit was equivalent to a drum line captain. She Jeremy was very proficient with drums and helpful in assisting all band students when necessary. She said he was so popular she believed if she went against him the other band students would dislike her. She further added that she had been shy throughout high school and during her last year she had finally become friends with the drum line. She said she had been worried that if she "pissed off" Jeremy, it would not go over well with the other students.

[redacted] said Jeremy asked her out on a date in the month of September of 2004. She said she was initially very excited about the idea of going out with him. She said she believed they went out on a Friday night and recalled watching the movie Without a Paddle. After the movie was over they went to Freestone Park in Gilbert, Arizona. While at Freestone Park they began kissing. The kissing progressed to him "fingering" her and ultimately to him putting his penis in her vagina and having sexual intercourse. She said she was on top of Jeremy when he held her by her hips and put his penis in her vagina. She said she did not believe anything (ejaculate) came out of Jeremy`s penis and Jeremy did not put anything (condom) over his penis. [redacted] said the act of sexual intercourse was against her will.

She described the incident saying that Jeremy`s method was to "coax" her into having sex, by being continuously persistent to the point where it was just easier to let it happen. She

described "coaxing" as the way he kept "pushing it." He kept grabbing onto her, and trying to kiss her. He kept saying "come on" and would keep "doing what he was doing," and then try again. She was concerned that if she did not allow him to have sex with her, he would spread rumors about her to the other band members. She said while he persisted she attempted to "laugh it off," in an attempt to pretend he was "kidding" even if he was not. She said she was not scared of him, and did not think he would get violent if she continued to say "no." She said at the time she did not think he would do anything if she said "no" but believed he would not stop even if she continued to say "no." She said she told him "no" approximately three to four times.

She said after he fingered her he began saying, "Oh come on" in reference to having sex with him. [redacted] replied by saying, "No." Jeremy responded by saying, "How can you say no to something you`ve never tried." She then told him she did not want to have sex with him. She said she thought it would be awkward if she continued to say "no" and she knew he would not stop. She repeated though that she did not believe he would get physical with her. She said she believed she gave in because it seemed like the only option at the time.

[redacted] said the following day she approached Jeremy and said, "Hi." Jeremy said "Hi" back to her and that is when "it hit" her. She said she was okay after it happened, but when she contacted him and he did not say much to her, she began to feel like she had given in "for nothing." She said she was unsure if what happened could be considered "rape," because she did not physically try to walk away from him or push him off of her. However, she said she did tell him she did not want to have sex with him. I asked her to define to me what she believed rape was. She stated she believed a rape "would be more physically aggressive, kinda really really forcing you into it, kinda no way out, not just words." I asked her if she had been scared, and she said she had been shaking out of fear.

[redacted] stated she had not had sex prior to the night of the assault by Jeremy. She also said there was no injury or bleeding caused by the assault, but that she did feel pain during intercourse.

I asked [redacted] if she knew if [redacted] and Jeremy had sex while dating. [redacted] said [redacted] and Jeremy had engaged mostly in anal sex. She said [redacted] had told her, Jeremy`s penis was too big and she was too small so anal was easiest for them. [redacted] said she found out after the incident occurred that Jeremy had been very possessive over [redacted] throughout their relationship. [redacted] told [redacted] that Jeremy liked to have sex frequently.

I asked [redacted] if she knew what had happened between [redacted] and Jeremy. She said she recalled receiving a phone call from [redacted] while [redacted] and Jeremy were en route back to the school the day the incident occurred. [redacted] advised she needed to talk to her. When they arrived to the school and [redacted] contacted [redacted] [redacted] began crying. [redacted] relayed the following information about what she had been told by [redacted] in reference to the incident: She said she believed [redacted] and Jeremy had left the school to get something to eat. [redacted] stopped by her house on the way back to the school. [redacted] told Jeremy to wait in the car while she went into her home but Jeremy followed her. [redacted] was unsure if Jeremy forcefully pushed [redacted] onto her bed but that he "coaxed" her onto it. [redacted] said [redacted] and Jeremy then had sex. [redacted] believed [redacted] was scared.

[redacted] refused prosecution.

Narrative Text

Type ADDITIONAL INFORMATION ADDED
Subject ADDITIONAL INFORMATION ADDED
Author 627 - SHARON HAINES (Inactive)
Related Date Jan-19-2007

On 01/12/07 I received a Direct Complaint from the Maricopa County Attorney`s Office stating they are pursuing the following charges on JEREMY ROSS CALVERT:

COUNT 1 ARS 13-1406 Sexual Assault, a Class 2 Felony (JEREMY ROSS CALVERT)

COMPLAINT CR#2007-101820-001-SE

Court Information Sheet Attached.

Narrative Text

Type ADDITIONAL INFORMATION ADDED
Subject ADDITIONAL INFORMATION ADDED
Author 2322 - VERONICA BUTLER (Inactive)
Related Date Jan-25-2007

SUPPLEMENTAL REPORT 07-000000131:
On 01/18/2007 at approximately 1024 hours, I interviewed [redacted], while in the presence of her mother, Debbie [redacted] in Principal Mileham`s office at [redacted]. [redacted] is a sixteen year old female, attending her junior year of high school. [redacted] advised she is a friend of [redacted], and both of them were in math class together during the month of November 2006.

The following is a summary of the interview of [redacted]:
[redacted] said [redacted] told her she might be contacted by me because of the text messages she saw. [redacted] said she saw the messages approximately a month and a half ago while in math class with [redacted] The messages had been saved in [redacted] phone and not received while in math class. Prior to her seeing the messages [redacted] told her that Jeremy had been "texting" her. Initially they had just been talking and [redacted] told her it started getting bad and [redacted] did not want "it to happen." She said [redacted] told her the message content was Jeremy "trying to lead her on." She said [redacted] never discussed wanting a relationship with Jeremy prior to the incident or receiving the text messages. She recalled a text message in which Jeremy told [redacted] he wanted to see her naked. However, she could not recall if she observed the message or if [redacted] told her about the message. She said [redacted] seemed scared and confused, like she did not know what to do or how to respond to them.

[redacted] said [redacted] told her about the sexual assault the day after it occurred. [redacted] told her she had been drumming when Jeremy approached her. Jeremy touched her leg and said, "chicken or brave." [redacted] told her she responded, "chicken" because she did not know what it meant. Jeremy then placed his hand her in pants. [redacted] wanted him to get away and they went to the board to write scales. [redacted] said "that led to them doing, pretty much having sex." I asked her if [redacted] said how she felt about that. [redacted] said [redacted] told her she did not want to do "it" because she was scared. [redacted] said she did not have her cellular phone the night of the incident. She said Jeremy had walked to the school and [redacted] feared that if she attempted to leave and walk home Jeremy would follow her. She said [redacted] appeared scared when telling her what had happened. She said [redacted] avoided Jeremy after the incident and did not want anything to do with him. She added that she was scared to continue guard (Winterguard) and even scared to go to school.

The interview was audio recorded and impounded into the Gilbert Police Property and Evidence Department. Refer to recording for full account of interview.

On 01/18/2007 at approximately 1040 hours, I interviewed [redacted] in Principal Mileham`s office at [redacted]. [redacted] is a fourteen year old female, attending her freshman year of high school. [redacted] advised she is a friend of [redacted] and a member of the Winterguard.

The following is a summary of the interview of [redacted]:

[redacted] told me she was aware of the text messages from Jeremy and the sexual assault. She said [redacted] told her about the incident and the text messages on the same day, the day after the incident occurred, and she believed it was approximately late November. [redacted] told [redacted] that during her drum lesson Jeremy began to touch her and she did not like it. She said that he told her to go to the board and write something, to get her out of her seat. When she got to the board Jeremy put his hand in her pants. [redacted] told her she suggested they go into the practice room because she did not want him to see her and the practice room was dark. Once in the practice room Jeremy took off [redacted]`s pants and had sex with her. She said he tried to leave through the door but Jeremy had been blocking it. [redacted] told [redacted] she said, "No" to Jeremy, and he responded by ignoring her. [redacted] told her no one else was present when the incident occurred and Jana had gone home early.

[redacted] said [redacted] appeared scared when she told her about the incident. She recalled [redacted] telling her that Jeremy wanted her to send him a picture of herself via her cellular phone. [redacted] could not remember any other text messages [redacted] told her about, and did not see any of the messages. She said [redacted] told her she had been trying to avoid contact with Jeremy and did not want to see him. [redacted] said she did not see [redacted] have any contact with Jeremy after the incident occurred.

[redacted] said she believed [redacted] and Jeremy only had a teacher-student relationship prior to the incident. She said [redacted] auditioned for winterguard but stopped attending after the incident occurred.

The interview was audio recorded and impounded into the Gilbert Police Property and Evidence Department. Refer to recording for full account of interview.

On 01/18/2007 at approximately 1053 hours, I interviewed [redacted], in the presence of her mother, Mary [redacted] in Principal Mileham`s office at [redacted]. [redacted] is a female, attending her freshman year of high school. [redacted] advised she knows [redacted] and had also been paying Jeremy Calvert for private band lessons since the beginning of the school year.

The following is a summary of the interview of [redacted]:
[redacted] could not remember the evening of November 28, 2006. She said Mr. Orrantia had been present on some occasions but not at every lesson and there were no other teachers present for the lessons. She said she was left alone with Jeremy during the sessions, but that he never behaved in an inappropriate manner towards her. She said she did not witness any inappropriate behavior from Jeremy towards [redacted] [redacted] last lesson was in December. She said she only attended one or two lessons in December and [redacted] was not present for either of those lessons.

The interview was audio recorded and impounded into the Gilbert Police Property and Evidence Department. Refer to recording for full account of interview.

JANUARY 24, 2007

On 01/24/2007 at approximately 0745 hours, I interviewed Jana Foley, girlfriend to Jeremy

Calvert, and also an instructor of the Winterguard Line at [redacted]. Jana was very defensive throughout my attempts to gain any further information on the investigation. I asked Jana if she had been present for all of the private lessons conducted by Jeremy. Jana said she believed she had been. I asked her if she recalled a telephone conversation with me in which she stated she had never left Jeremy at the school unattended during the band lessons and specifically if recalled telling me she remembered [redacted] last lesson and observing [redacted] leave the school. She said she did. I told her I knew that to be an inaccurate statement based on Jeremy`s own admissions. Jana then advised she did not "remember" if she left Jeremy unattended at the school or not. I told Jana the incident had been reported to have happened on the night of 11/28/2006, a Tuesday night, after tryouts for the Winterguard. Jana said she recalled her, Jeremy and Mr. Orrantia leaving the school together after tryouts. She would not provide any additional information and stated she had to leave for work.

As she began to leave, Principal Mileham asked her to remain in the office. He then advised her it had been reported to him by [redacted] that she had been speaking about the incident to other students. Jana denied talking to any students about the incident.

That concluded my contact with Jana. The interview was not recorded as no recording device was available.

On 01/24/2007 at approximately 0821 hours, I interviewed [redacted] in Principal Mileham`s office at [redacted], in the presence of an assistant principal. [redacted] is a sixteen year old female, attending her sophomore year of school. She advised [redacted] had previously been her best friend. She also advised she is current friends with Jana Foley and Jeremy Calvert. It was at this point of the interview that I recalled the day [redacted] reported the incident to me; she contacted [redacted] to request Jeremy`s cellular phone number so that she could conduct a confrontation call and [redacted] refused to provide her with the number. It was believed on that day by [redacted] that [redacted] had warned Jeremy that she had reported the incident to the police.

[redacted] said she recalled [redacted] told her about the text messages Jeremy had sent to her approximately one week after [redacted] received them. [redacted] did not see the messages because they had already been deleted. She said she could only recall a message [redacted] told her about when Jeremy asked [redacted] what she had been wearing and if she would take it off. [redacted] told [redacted] the messages made her feel uncomfortable. [redacted] could not recall the content of any other text messages [redacted] told her about.

I then asked [redacted] if [redacted] had told her about the incident [redacted] reported to police. [redacted] said she was told by [redacted] approximately one week after the incident, which she believed was in December. She said [redacted] told her the incident occurred in November, on a Tuesday night after Winterguard auditions. She said [redacted] told her during the lesson Jeremy asked her to get up to work on the board. While at the board Jeremy "touched" [redacted] Jeremy then asked [redacted] to go into the practice room and [redacted] went with him. I asked her if [redacted] told her what happened in the practice room. [redacted] said she was told "Jeremy practically raped" her. [redacted] could not provide any specific details to the incident.

I asked [redacted] about [redacted] demeanor after the incident. [redacted] said [redacted] remained normal. She added that [redacted] resumed private lessons with Jeremy and continued contact

with him. It should be noted, that both Jeremy and [redacted] stated [redacted] did not return for private lessons after the incident and she avoided contact with Jeremy.

[redacted] said she asked Jeremy if the incident occurred and he denied it and he said "it was crap." [redacted] also said [redacted] had talked about sexual activities involving both males and females, and even stated [redacted] made out with her ([redacted] ex-boyfriend a couple of months ago. I asked [redacted] if she had ever seen [redacted] engage in any sexual activities and she said, "No."

Prior to concluding the interview I asked [redacted] if she had any questions or concerns. She then asked if I knew what was going to happen to Jeremy, and expressed her concern for Jana.

The interview concluded at approximately 0845 hours. The interview was not recorded as no recording device was available.

Further supplemental reports to follow pending an interview with [redacted], a student at [redacted] who reported to school officials last spring, that Jeremy Calvert had been sending her inappropriate text messages.

Narrative Text

Type ADDITIONAL INFORMATION ADDED
Subject ADDITIONAL INFORMATION ADDED
Author 2322 - VERONICA BUTLER (Inactive)
Related Date Mar-29-2007

Supplemental Report 07-000000131:

The following is a summary of the interview with Christie [redacted]
On 2/26/2007 at approximately 1636 hours, I began an interview with Christie [redacted] in reference to the sexual assault reported by her daughter, [redacted]. I asked Christie if she could tell me how she found out about the incident [redacted] reported. She said on 12/25/2007 [redacted] had become very belligerent with her father, and as a result Christie slapped and grounded [redacted] She sent [redacted] to her bedroom to think about what had happened and when she returned [redacted] was angry.

On 12/26/2006 Christie went to work and Brad, [redacted] father, stayed home. At an unknown time, Brad called Christie to tell her [redacted] had left the home. Christie attempted to call [redacted] but [redacted] did not answer her cellular phone. Christie checked her Cingular cellular phone bill online to see who [redacted] had contacted. She then noticed that [redacted] had called the National Child Abuse Hotline. Gilbert Police Officer Cooke contacted [redacted] and later Brad and Christie also spoke with Officer Cooke. During her contact with Officer Cooke, Christie said she told him that something had been wrong with [redacted] She informed him that [redacted] was not an abused child. She also told him that for the past few weeks something had been wrong with [redacted] and she had been acting like she hated them. Officer Cooke asked Christie if [redacted] would be allowed to spend the night with her grandparents, and Christie told him she could. Christie and Brad then decided they were not going to allow [redacted] to stay with her grandparents because they wanted to find out what was wrong with her.

Later that day they took [redacted] home. They asked [redacted] what she had been trying to prove and [redacted] told them she just wanted to move out. She said [redacted] had been frantic and had a wild look in her eyes. Christie said she thought [redacted] had been losing her mind. During their conversation with [redacted] Christie`s father-in-law called. Brad spoke to his father, and when he returned to speak with [redacted] he told her that while she had been out walking around that day a fourteen year old female had been raped in their neighborhood. Christie said she saw a look pass over [redacted] face and Christie asked [redacted] what was going on. [redacted] replied, "Nothing." Christie then asked [redacted] if someone had done something to her. [redacted] replied, "No. It doesn`t matter." Christie then began asking if someone had touched her, and [redacted] told her it did not matter, "he was leaving anyhow." After offering several male names, Christie asked her what Jeremy had done to her. She said [redacted] began hysterically sobbing and sat on her lap. [redacted] then told Christie that at band practice he (Jeremy) cornered her and put his hand down her pants. [redacted] said she told him to stop and he stopped, but then they got up to do something at the board. Christie said she did not know exactly what happened at the board, but she was aware that he sodomized her and had been sending her text messages.

Christie said she asked [redacted] why she hadn`t told them. [redacted] said she was worried her father would "kill him." [redacted] also told her Jeremy would be leaving to the Marines soon, and was concerned that it did not matter because they would not be able to prove the assault

had occurred. [redacted] had also advised her that Jeremy told her he had been accused of rape on three prior occasions. Christie said they assumed he had been charged with rape by police officers on three separate occasions and had gotten away with the crime. Christie said knowing that was a deterrent in reporting the incident to police, because if three other people had tried what would they be able to prove. [redacted] also told Christie she did not want to report the incident because she had been concerned that Jeremy would go after her cousins because he had knowledge of where they resided.

Christie said they waited approximately a week before reporting the incident to police. She said she did not want to put [redacted] through this, and have her look like the bad guy. She said she decided to leave the decision up to [redacted] since she was the victim. [redacted] originally did not want to report the incident. Christie took [redacted] to the Gilbert Police Department to file the report after speaking with Brad, [redacted] father. Christie said when she arrived to the police station she spoke with the Teleserve officers and requested to speak with an officer in sex crimes against minors. She was asked if she wanted to file a police report and told them she was unsure because she did not want to report something she could not prove. She was then directed to the Youth and Adult Resource Center/ Counseling Department. Once there she spoke with Maria and advised her that the assistant band instructor had raped [redacted] that she had been sodomized and that the incident occurred at the end of November during a band lesson. Maria then told her she would have to speak with police and arranged for the police officer to meet with Christie and [redacted] in the counseling department. The police officer contacted them for an initial report and turned the investigation over to detectives.

Christie said [redacted] had begun locking her bedroom door, something she had never done in the past. She began staying awake very late and not going to bed. She also stated her grades had dropped and [redacted] even began sending family members emails saying she wanted to move out. They ultimately determined she wanted to move out to change schools. She said [redacted] told her she had been scared of Jeremy and even began having nightmares of him "doing things" to her. She said prior to the incident [redacted] did not have discipline issues.

She said she was unaware of any sexual contact [redacted] had with males or females prior to this incident. In approximately June 2005 [redacted] posted on an internet website that she was a lesbian.

Christie said [redacted] had always been very truthful, but very dramatic. I asked her about the incident of child abuse that [redacted] had reported to the Child Abuse Hotline, which led to Officer Cooke contacting [redacted] Christie explained that [redacted] had reported to Officer Cooke that she did not feel safe at home and that Christie had slapped her. Christie said that the reason [redacted] had been so upset with them was because the day of the "rape" [redacted] did not have her cellular phone. [redacted] had been in trouble for sending text messages late at night and as a result had her cellular phone taken away. Christie remembers [redacted] telling her several times in the days leading up to the assault, that she needed her cellular phone. She said [redacted] was adamant that she did not feel safe without her phone. Christie said [redacted] feels as if she could have prevented the assault if she had had her cellular phone to call for help. Therefore [redacted] blamed her parents for the assault for having kept her phone from her, thus preventing her for calling for help.

She further added that as a result [redacted] has had nightmares, been placed in counseling and

has begun [redacted]. I asked her if there was any reason she could think of why [redacted] would make false accusations against Jeremy and she said, "No." She said [redacted] thought Jeremy was great, because of his involvement with band related activities. She said [redacted] looked up to Jeremy and believed he was her mentor. She added that even if [redacted] liked guys or thought Jeremy was cute, [redacted] liked Jana, Jeremy`s girlfriend, and would not have pursued Jeremy. She said [redacted] has also lost friends as a result of Jana working at [redacted]. She said friends chose to side with Jana, the guard instructor, over [redacted] [redacted] has also subsequently changed band classes.

**Refer to the audio recording for full content of interview.

Narrative Text

Type ADDITIONAL INFORMATION ADDED
Subject ADDITIONAL INFORMATION ADDED
Author 2322 - VERONICA BUTLER (Inactive)
Related Date Apr-02-2007

Supplemental Report 07-000000131:
Summary of Second Interview with [redacted]:

On 03/11/2007 at approximately 1200 hours, I conducted a second interview with [redacted] who was in the company of her parents, Tiffany and Joseph [redacted] I advised them that I had follow up questions in reference to a private investigator who had previously contacted [redacted] advised she had been contacted by a female private investigator approximately one week after my initial interview with her. [redacted] did not recall the private investigator`s name. [redacted] said the private investigator contacted her at her home and arrived unannounced. Joseph said he felt the private investigator "ambushed" Tiffany and [redacted] Tiffany said she told the private investigator she did not want her to speak with [redacted] and the private investigator told her that if she did not allow her to interview [redacted] she would subpoena her. Tiffany said she did not think the interview was relevant because [redacted] does not know what happened the night of the incident.

I then inquired about statements [redacted] was alleged to have made to the private investigator in reference to [redacted] "hacking" into an email account and sending messages to Jeremy Calvert, pretending to be [redacted] in an attempt to set Jeremy up. Both [redacted] and Tiffany denied making that those statements to the private investigator. Tiffany then proceeded by adding that the incident which was discussed occurred in July of 2006. She said both [redacted] and [redacted] had access to each other`s email accounts, by having each other`s passwords. She said [redacted] had used [redacted] account to contact several people, but the messages had nothing to do with Jeremy. I asked [redacted] if [redacted] had used her computer or hacked into her computer after the incident had been reported or after Jeremy had been arrested. [redacted] said she did not. Joseph then intervened and advised that [redacted] and [redacted] had sent Jeremy text messages after the incident occurred to try and catch him. [redacted] responded by saying, "it never said anything that would provoke anything out of him." [redacted] said [redacted] had suggested sending the text messages as a way of trying to convince [redacted] that the assault occurred. [redacted] said she sent the messages to Jeremy, but there was no inappropriate conversation.
I then inquired about her friendship with Jana Foley, and asked if she had been made aware of the outcomes of the court hearings and the status of the incident involving Jeremy. [redacted] said Jana contacted her after the last court hearing and told her that her name had been mentioned in the trial and she may want to get an attorney because they may want her to testify.

Joseph said [redacted] had a problem with realizing that Jeremy admitted to the incident. He said he believed [redacted] had her own opinion and was being influenced by Jana. I asked [redacted] if Jana had told her that Jeremy did not do anything wrong. [redacted] responded by saying Jana told her that she did not know what to believe. She also said her friend, [redacted] who was at the hearing, told her the outcome of the hearing and [redacted] testimony.

I asked [redacted] if there was anything else discussed with the private investigator. [redacted] said

[redacted] had asked her on the day she reported the incident to the police, what she should wear to make her look innocent. She said [redacted] further told her she was going to the police department to report the incident in which she accused Jeremy of sexual assault. She also recalled a conversation, between her and [redacted] in which she brought up Jana and Jeremy and [redacted] said she hated Jeremy. [redacted] said she asked [redacted] why she hated Jeremy and [redacted] responded by saying, "I just don`t want to talk about it." She said [redacted] eventually told her thet Jeremy "practically" raped her. Tiffany said the private investigator asked leading questions about [redacted] sexual history, to which [redacted] told her that [redacted] had not had sex prior to the incident.

[redacted] then said Jeremy had told her, at the beginning of the school year, that a girl he dated while attending high school and had sex with had "cried wolf" because he did not speak to her afterwards. He said the female accused him of rape and filed a report with the police. She said Jeremy told her he had to go to court as a result of the accusation but that "nothing happened" because there was no evidence of the assault.
[redacted] also said she had heard in the past about the text messages [redacted] received from Jeremy approximately one year ago. She did say she did not observe them she only heard "rumors."

This concludes my contact with [redacted]. The audio recording of the interview is not available as the interview was deleted upon being transferred to a disc.

Narrative Text

Type ADDITIONAL INFORMATION ADDED
Subject ADDITIONAL INFORMATION ADDED
Author 2322 - VERONICA BUTLER (Inactive)
Related Date Apr-04-2007

Supplemental Report 07-000000131:
The following is a summary of my interview with [redacted]:

I advised [redacted] that during the course of the investigation I had been told that she had received text messages from Jeremy Calvert, approximately one year ago, that were inappropriate in nature. [redacted] said Jeremy had sent her text messages, which she believed he sent her because they were friends and he was her color guard coaches` boyfriend. [redacted] said he then began telling her that he liked her, and would repeatedly ask her what type of clothing she was wearing and what she was doing. She said she would respond, by saying she was wearing clothes, and that Jeremy would continue to ask what she wearing. Jeremy then began to call her, via her cellular phone, and told her he missed her and that he did not get to see her enough throughout the day. [redacted] said her parents found out about the text messages and phone calls and removed her from the situation. [redacted] said that when the text messages concluded, Jeremy continued to act like he liked her when they spoke one on one, without anyone else present. She said that when they were with a group of people Jeremy would act normal.

[redacted] said one day when they were returning from a competition, and Jana was not present, Jeremy sat by her on the bus on the way home. She added Jeremy enjoyed hanging out with the color guard girls and frequently did so. She said during the bus ride Jeremy took her phone and put his phone number in it. She also said that a student named [redacted] asked Jeremy which girl in the high school he would date, and Jeremy told her he would date [redacted] [redacted] said Mr. Orrantia found out about that and switched Jeremy to a different bus.

[redacted] said the color guard girls knew about the calls and text messages. [redacted] said she did not want to report the calls or messages to the principal at [redacted], but that several of the color guard girls reported it. She said she did not want to get Jeremy or herself in trouble. She said the students reported the messages and calls to Ms. Diab, Mr. Mileham and Mr. Orrantia, and the students were told they were "liars," because they believed Jeremy since he was a teacher. The girls were also told if they did not stop, the administration would shut down the color guard program.

[redacted] said she did not show any school official the actual messages, but that she believed the other color guard girls showed Jana Foley. [redacted] was not certain if Jana saw the messages as she [redacted] caught the color guard girls attempting to forward the messages to Jana. She was unaware if Jana showed or told any other school administrators. [redacted] believed that Mr. Orrantia saw a few of the text messages she sent to Jeremy as well as a few of the messages Jeremy sent her.

[redacted] said she met Jeremy in August of 2005 and he began sending her messages in October 2005. [redacted] was a sophomore in [redacted] at the time. [redacted] said the content of the messages began with questions like, "How are you doing?" She said the phone calls from Jeremy began in approximately December 2005. [redacted] said the messages which she

considered inappropriate began in mid November 2005 and continued through December 2005. She said communication stopped because her parents found out of the calls and messages.

[redacted] said her and Jeremy continued to be friends and spoke to one another at school. However, she said Jeremy stopped attempting to go out with her. She said Jeremy only asked her "things" on the phone, because he was too afraid to say anything in person or was not allowed to.

[redacted] said she knew about the incident reported prior to it being reported, but did not initially believe [redacted] because she said [redacted] was a "drama queen" and an "attention getter." She said the girls attempted to keep it quiet, but that Mr. Orrantia had heard about it and asked [redacted] if the "rumors" going around about Jeremy and [redacted] were true. She said [redacted] told him she thought it was made up. She said Mr. Orrantia heard about it approximately two weeks before Christmas break.

[redacted] said that after the rumors started Jeremy continued to hang out with the guard girls as if nothing had happened. She said once Jeremy heard that [redacted] was going to tell the police he began to act different and would no longer speak to them. She said he even acted as though he was mad. During Wintergurad [redacted] observed Jana crying and realized the incident was true. She then said [redacted] had stopped hanging out with them and had quit Winterguard because she was afraid of Jana and did not want to be looked down upon.

[redacted] said her former boyfriend, [redacted], and [redacted] had been really close and [redacted] called [redacted] the night the incident occurred to give her a ride home. She said [redacted] told [redacted] what had happened and [redacted] told [redacted] [redacted] said she called [redacted] and asked her about the incident at which time [redacted] told her about it. She said [redacted] told her that Jeremy made her get up and write notes and then took her into a practice room. [redacted] added that [redacted] was not a bad kid. She said it was possible that [redacted] flirted with Jeremy, but [redacted] would not pursue him. [redacted] said [redacted] had not had sex with anyone and that she was not "that type of girl." She said she thought it was possible that [redacted] consented to the incident and did not believe Jeremy raped her. She then clarified that she believed [redacted] told Jeremy "no" a few times and just gave in to him.

[redacted] said [redacted] did not show her the text messages she had received from Jeremy. She believed she had shown [redacted] and [redacted] She said [redacted] had told her that Jeremy had begun sending her text messages. She said she was aware that [redacted] would text him asking him about practice times. She said [redacted] did not tell her about any sexual related text messages between her and Jeremy. [redacted] told her what Jeremy had said the night the incident occurred.

[redacted] denied any sexual contact with Jeremy. She said she and Jana were very close. She said she has since spoken to Jana and that Jana was angry about the situation, and mad at Jeremy and [redacted] She further said that Jana told her she believed the incident was consensual. She said Jana asked her what she had thought about the incident. [redacted] said she told Jana she thought the incident was also consensual, and that she thought Jeremy was a jerk in a "nasty" way. She said she last spoke to Jana, while eating with another friend named [redacted] at Chili`s, less than a month ago, and Jana had told her about the trial. She said she also spoke to Jana at a performance approximately a month and a half ago.

[redacted] said Jana has not asked her about the text messages she had received from Jeremy. She said she believed it had been blocked out as a result of the incident reported by [redacted]

[redacted] also, advised that she was aware that [redacted] would text Jeremy. She said that [redacted] had a plan to catch Jeremy "in the act." She said [redacted] would act like she would like Jeremy so she could catch him "doing whatever." [redacted] said [redacted] told her she had the plan, and believed [redacted] was trying to prove that [redacted] was right and to show the principal. She believed that occurred in approximately November. She said she last spoke to [redacted] in February 2007 and that [redacted] said she told the police that she believed the incident was consensual.

I asked if she still had the phone that was used during the time she received messages from Jeremy and she said he did. She then said Jeremy would only text her things like, "How are you?" or "You look nice today." She said everything else was spoken to her via the cellular phone.

After the recorder was turned off [redacted] said that Jeremy had also asked her to send him a picture of herself. She said she refused and asked Jeremy what he did with the pictures. She said Jeremy told her he kept them on his computer.

**Refer to audio recording for information on the interview. The recording has been impounded into the Gilbert Police Department Property and Evidence Building.

Narrative Text

Type ADDITIONAL INFORMATION ADDED
Subject ADDITIONAL INFORMATION ADDED
Author 2322 - VERONICA BUTLER (Inactive)
Related Date Apr-04-2007

Supplemental Report 07-000000131:
The following is a summary of a phone conversation with Joel [redacted]

On 04/03/2007 I contacted Joel [redacted] in reference to a voicemail he left requesting I return his call. Joel advised me that he was aware that Jana Foley had been served with an Order of Protection. He advised the order was issued to protect [redacted] from harassment by Jana and to prohibit Jana from speaking to students and school officials about the case involving her boyfriend, Jeremy Calvert. Mr. [redacted] was upset that he had been told that Jana had gathered all the guard girls at [redacted] and told them about the Order of Protection. He said as a result [redacted] had been confronted by the girls and harassed. He said he has since removed his daughter, [redacted], from the color guard program to keep Jana from further contacting her as well.

I then contacted Christie [redacted] and requested a copy of the court order. I received and reviewed the court order on 04/04/2007. After reviewing the court order, An Injuction Against Harassment, per page 2, #5 it is stated, " Defendant (Jana Foley) shall not communicate or attempt to communicate concerning [redacted] with students, employees or other staff at [redacted] regarding the criminal matter in which Jeremy Calvert has been charged."

I advised Christie I would contact Officers Salazar and Scarlett to determine, based on their investigation of the violation of the court order, whether they gathered sufficient evidence or probable cause to submit charges against Jana Foley for ARS 13-2810. If further investigation is necessary to determine whether a violation of the court order has occurred, I will proceed with contacting all necessary parties and a separate departmental report will be initiated.

It should be noted that during a release hearing for Jeremy Calvert, Jana Foley`s boyfriend, Jana stated under oath that she has never spoken to any of the students at [redacted] about the case or [redacted]. I have since contacted two students (former students), [redacted] and [redacted], who both stated Jana has provided them with information relating to the case and charges against Jeremy. Refer to previous supplements for further information on those listed interviews.

Narrative Text

Type EVIDENCE
Subject EVIDENCE
Author 2322 - VERONICA BUTLER (Inactive)
Related Date Apr-04-2007

23826 Voucher ID created for this supplement. Audio recordings of Christie [redacted] and [redacted]

Clearance Information

Agency	GILBERT PD
Cleared Status	CLEARED BY ARREST OR CITATION - NOT APPLICABLE
Cleared On	JAN-10-2007 (WED.)
Cleared By Officer 1	2853 - FRERER, D.

Related Event Details

MODUS OPERANDI - PERSON OFFENSES

Remarks SODOMY

SUSPECT

Related Property Report(s)

REPORT INFORMATION

Property Report # 223141
Case Status EVIDENCE/SEIZED
Submitted On JAN-03-2007 **By** VERONICA BUTLER (INACTIVE)

RELATED EVENTS

Offense GO GI 2007 - 131

Location 75 E CIVIC CENTER
Related Items 11

ARTICLES - EVIDENCE

Status EVIDENCE/SEIZED
Tag # GI223141 - 1
Article ROTHER- RADIO, TV, AND SOUND ENTERTAINMENT DEVICES
Make UNKNOWN
Model UNKNOWN **# Of Pieces** 2
Serial # 1 UNKNOWN
Value $1.00
Description INTERVIEW OF [redacted]
Cross Reference 68890
Flags X-REFERENCE, EVIDENCE
Current Location WH 1100-07

ARTICLES - EVIDENCE

Status EVIDENCE/SEIZED
Tag # GI223141 - 2
Article YOTHER- ITEMS LISTED UNDER Y OR NOT LISTED IN ARTICLE NAME DICTIONARY
Make UNKNOWN
Model UNKNOWN **# Of Pieces** 1
Serial # 1 UNKNOWN
Value $1.00
Description CELLULAR PHONE STATEMENTS
Cross Reference 68894
Flags X-REFERENCE, EVIDENCE
Current Location WH 1100-07

ARTICLES - EVIDENCE

Status EVIDENCE/SEIZED
Tag # GI223141 - 3
Article ROTHER- RADIO, TV, AND SOUND ENTERTAINMENT DEVICES
Make UNKNOWN
Model UNKNOWN **# Of Pieces** 1
Serial # 1 UNKNOWN
Value $1.00
Description CONFRONTATION CALLS
Cross Reference 68893
Flags X-REFERENCE, EVIDENCE
Current Location WH 1100-07

ARTICLES - EVIDENCE

Status EVIDENCE/SEIZED
Tag # GI223141 - 4
Article ROTHER- RADIO, TV, AND SOUND ENTERTAINMENT DEVICES
Make UNKNOWN
Model UNKNOWN **# Of Pieces** 2
Serial # 1 UNKNOWN
Value $1.00
Description INTERVIEW OF [redacted]
Cross Reference 68888
Flags X-REFERENCE, EVIDENCE
Current Location WH 1100-07

ARTICLES - EVIDENCE

Status EVIDENCE/SEIZED
Tag # GI223141 - 5
Article YOTHER- ITEMS LISTED UNDER Y OR NOT LISTED IN ARTICLE NAME DICTIONARY
Make UNKNOWN
Model UNKNOWN **# Of Pieces** 2
Serial # 1 UNKNOWN
Value $1.00
Description PHOTO LINEUP
Cross Reference 68896
Flags X-REFERENCE, EVIDENCE
Current Location WH 1100-07

ARTICLES - EVIDENCE

Status EVIDENCE/SEIZED
Tag # GI223141 - 6
Article YOTHER- ITEMS LISTED UNDER Y OR NOT LISTED IN ARTICLE NAME DICTIONARY
Make UNKNOWN
Model UNKNOWN **# Of Pieces** 1
Serial # 1 UNKNOWN
Value $1.00
Description WRITTEN STATEMENT FROM CALVERT
Cross Reference 68895
Flags X-REFERENCE, EVIDENCE
Current Location WH 1100-07

ARTICLES - EVIDENCE

Status EVIDENCE/SEIZED
Tag # GI223141 - 7
Article ROTHER- RADIO, TV, AND SOUND ENTERTAINMENT DEVICES
Make UNKNOWN
Model UNKNOWN **# Of Pieces** 1
Serial # 1 UNKNOWN
Value $1.00
Description INTERVIEW OF JEREMY CALVERT/ AUDIO ONLY
Cross Reference 68891
Flags X-REFERENCE, EVIDENCE
Current Location WH 1100-07

ARTICLES - EVIDENCE

Status EVIDENCE/SEIZED
Tag # GI223141 - 8
Article ROTHER- RADIO, TV, AND SOUND ENTERTAINMENT DEVICES
Make UNKNOWN
Model UNKNOWN **# Of Pieces** 4
Serial # 1 UNKNOWN
Value $1.00
Description INTERVIEW OF JEREMY CALVERT
Cross Reference 68889
Flags X-REFERENCE, EVIDENCE
Current Location WH 1100-07

ARTICLES - EVIDENCE

Status EVIDENCE/SEIZED
Tag # GI223141 - 9
Article ROTHER- RADIO, TV, AND SOUND ENTERTAINMENT DEVICES
Make UNKNOWN
Model UNKNOWN **# Of Pieces** 1
Serial # 1 UNKNOWN
Value $1.00
Description AUDIO RECORDING OF CHRISTIE [redacted]
Cross Reference 77574
Flags X-REFERENCE, EVIDENCE
Current Location WH 1100-07

ARTICLES - EVIDENCE

Status EVIDENCE/SEIZED
Tag # GI223141 - 10
Article ROTHER- RADIO, TV, AND SOUND ENTERTAINMENT DEVICES
Make UNKNOWN
Model UNKNOWN **# Of Pieces** 2
Serial # 1 UNKNOWN
Value $1.00
Description INTERVIEW OF [redacted]
Cross Reference 68892
Flags X-REFERENCE, EVIDENCE
Current Location WH 1100-07

ARTICLES - EVIDENCE

Status EVIDENCE/SEIZED
Tag # GI223141 - 11
Article ROTHER- RADIO, TV, AND SOUND ENTERTAINMENT DEVICES
Make UNKNOWN
Model UNKNOWN **# Of Pieces** 1
Serial # 1 UNKNOWN
Value $1.00
Description AUDIO RECORDING OF [redacted]
Cross Reference 77573
Flags X-REFERENCE, EVIDENCE
Current Location WH 1100-07

Related Arrest Report AB# GI 2007- 390

Arrestee CALVERT, JEREMY ROSS
Date Of Birth [redacted]
Related CD# 118932

Arrest Information

Type Of Arrest PROBABLE CAUSE (I.E. LONG FORM)
Reason For Arrest NO, NON-DUI RELATED
Arrest Date JAN-09-2007 1221
Approved By 85 - TODD BATY (INACTIVE)
Approval Date JAN-11-2007
Rush File Required NO
Notify Victim On Release NO
Juvenile NO
Armed With UNARMED
Interpreter Needed NO
Mental Exam Required NO
Statement Taken NO
Fingerprinted NO **Photo Taken** NO
CD Updated NO
Booked Into Cell NO
Arrest Agency GILBERT PD
Arresting Officer(s) 2853 - FRERER, D.
Summary Of Facts ORIG ARREST ID: 070000390 CHARGE: KIDNAP-DEATH/INJURY/SEX/AID FELONY

ARREST LOCATION

Address 75 E CIVIC CENTER DR
Municipality GILBERT
District CNTRL **Beat** 16 **Grid** G07
SODA Zone NO **Drug Free Zone** NO

ADDITIONAL ARREST INFORMATION

Case Screened NO
Diversion Recommended NO
Rights Given NO
Lawyer Called NO
Meal Given NO
Coffee Given NO

Arrestee's Occupation	BAND COACH
Marital Status	SINGLE
Detained	NO

NEXT OF KIN INFORMATION

Family Notified	NO
Family Notified	NO

*** END OF HARDCOPY ***

Redaction Date: 4/10/2026 10:56:37 AM

Redaction Log

Total Number of Redactions in Document: 7

Redaction Reasons by Page

Page	Reason	Description	Occurrences
1	EPII Address	Employee Residential Address - RCW 42.56.250(4). The following information held by any public agency in personnel records, public employment related records, volunteer rosters, or included in any mailing list of employees or volunteers of any public agency: Residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, driver's license numbers, identicard numbers, payroll deductions including the amount and identification of the deduction, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency.	1
1	EPII Phone	Employee Private Phone Number - RCW 42.56.250(4). The following information held by any public agency in personnel records, public employment related records, volunteer rosters, or included in any mailing list of employees or volunteers of any public agency: Residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, driver's license numbers, identicard numbers, payroll deductions including the amount and identification of the deduction, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency.	2

Redaction Log

Page	Reason	Description	Occurrences
1	EPII Email	Employee Personal Email Address - RCW 42.56.250(4). The following information held by any public agency in personnel records, public employment related records, volunteer rosters, or included in any mailing list of employees or volunteers of any public agency: Residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, driver's license numbers, identicard numbers, payroll deductions including the amount and identification of the deduction, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency.	1
20	FERPA Info	Student Information - Family Educational Rights and Privacy Act (FERPA) & RCW 42.56.230(2) - Personal information is exempt from public inspection and copying under this chapter, including information about a student enrolled or previously enrolled in a local education agency (LEA), in any records pertaining to the student, including correspondence. Personal information of family members or guardians of a child who is subject to exemption if the family member or guardian resides at the same address as the child and disclosure of the family member’s or guardian’s information would result in disclosure of the personal information of child.	3

Redaction Log

Redaction Reasons by Exemption

Reason	Description	Pages (Count)
EPII Address	Employee Residential Address - RCW 42.56.250(4). The following information held by any public agency in personnel records, public employment related records, volunteer rosters, or included in any mailing list of employees or volunteers of any public agency: Residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, driver's license numbers, identicard numbers, payroll deductions including the amount and identification of the deduction, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency.	1(1)
EPII Email	Employee Personal Email Address - RCW 42.56.250(4). The following information held by any public agency in personnel records, public employment related records, volunteer rosters, or included in any mailing list of employees or volunteers of any public agency: Residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, driver's license numbers, identicard numbers, payroll deductions including the amount and identification of the deduction, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency.	1(1)

Redaction Log

Reason	Description	Pages (Count)
EPII Phone	Employee Private Phone Number - RCW 42.56.250(4). The following information held by any public agency in personnel records, public employment related records, volunteer rosters, or included in any mailing list of employees or volunteers of any public agency: Residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, driver's license numbers, identicard numbers, payroll deductions including the amount and identification of the deduction, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency.	1(2)
FERPA Info	Student Information - Family Educational Rights and Privacy Act (FERPA) & RCW 42.56.230(2) - Personal information is exempt from public inspection and copying under this chapter, including information about a student enrolled or previously enrolled in a local education agency (LEA), in any records pertaining to the student, including correspondence. Personal information of family members or guardians of a child who is subject to exemption if the family member or guardian resides at the same address as the child and disclosure of the family member's or guardian's information would result in disclosure of the personal information of child.	20(3)